

# **Joint Statement of Reasons**

Highways Act 1980

Acquisition of Land Act 1981

**The Cheshire East Council (A533 Middlewich  
Eastern Bypass) Compulsory Purchase Order  
2022**

**The Cheshire East Council (A533 Middlewich  
Eastern Bypass) (Side Roads) Order 2022**

**The Cheshire East Council (A533 Middlewich  
Eastern Bypass – Trent and Mersey Canal  
Bridge) Scheme 2022**

## CONTENTS

<a href="#">1.0</a>	<a href="#">INTRODUCTION</a>	3
<a href="#">2.0</a>	<a href="#">EXECUTIVE SUMMARY</a>	5
<a href="#">3.0</a>	<a href="#">STATUTORY POWERS UNDER WHICH THE ORDER IS MADE</a>	10
<a href="#">4.0</a>	<a href="#">BACKGROUND AND SCHEME DEVELOPMENT</a>	13
<a href="#">5.0</a>	<a href="#">EXISTING AND FUTURE CONDITIONS</a>	19
<a href="#">6.0</a>	<a href="#">NEED FOR THE SCHEME</a>	31
<a href="#">7.0</a>	<a href="#">OBJECTIVES OF THE SCHEME</a>	35
<a href="#">8.0</a>	<a href="#">POLICY CONSIDERATIONS</a>	41
<a href="#">9.0</a>	<a href="#">DEVELOPMENT OF THE SCHEME</a>	50
<a href="#">10.0</a>	<a href="#">DESCRIPTION OF THE PROPOSED ROUTE</a>	56
<a href="#">11.0</a>	<a href="#">SIDE ROADS ORDER AND BRIDGE SCHEME</a>	60
<a href="#">12.0</a>	<a href="#">THE COMPULSORY PURCHASE ORDER</a>	68
<a href="#">13.0</a>	<a href="#">EFFECTS ON LAND USE AND AGRICULTURE</a>	82
<a href="#">14.0</a>	<a href="#">SPECIAL CATEGORIES OF LAND</a>	83
<a href="#">15.0</a>	<a href="#">THE PLANNING POSITION</a>	84
<a href="#">16.0</a>	<a href="#">SCHEME FUNDING AND FINANCIAL APPROVAL</a>	88
<a href="#">17.0</a>	<a href="#">RELATED WORKS, CONSENTS AND PROCEDURES</a>	91
<a href="#">18.0</a>	<a href="#">PUBLIC SECTOR EQUALITY DUTY AND HUMAN RIGHTS ASSESSMENT</a>	93
<a href="#">19.0</a>	<a href="#">PUBLIC INQUIRY</a>	95
<a href="#">20.0</a>	<a href="#">FURTHER INFORMATION</a>	98
<a href="#">21.0</a>	<a href="#">APPENDICES</a>	100

**THE CHESHIRE EAST COUNCIL (A533 MIDDLEWICH EASTERN BYPASS)  
COMPULSORY PURCHASE ORDER 2022**

**THE CHESHIRE EAST COUNCIL (A533 MIDDLEWICH EASTERN BYPASS) (SIDE  
ROADS) ORDER 2022**

**THE CHESHIRE EAST COUNCIL (A533 MIDDLEWICH EASTERN BYPASS – TRENT AND  
MERSEY CANAL BRIDGE) SCHEME 2022**

**STATEMENT OF REASONS FOR MAKING THE COMPULSORY PURCHASE ORDER,  
THE SIDE ROADS ORDER AND THE BRIDGE SCHEME**

**1.0 INTRODUCTION**

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

1.1.1. The Cheshire East Council (A533 Middlewich Eastern Bypass) Compulsory Purchase Order 2022 (“**the CPO**”)

1.1.2. The Cheshire East Council (A533 Middlewich Eastern Bypass) (Side Roads) Order 2022 (“**the SRO**”)

1.1.3. The Cheshire East Council (A533 Middlewich Eastern Bypass – Trent and Mersey Canal Bridge) Scheme 2022 (“**the Bridge Scheme**”)

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

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

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

1.4.1. the justification and need for the Scheme;

1.4.2. the consultation process and how third-party interests have been considered;

1.4.3. the status of associated consents;

1.4.4. the availability of all necessary funding;

1.4.5. the availability of all the land required and the reasons why all the land identified is necessary;

1.4.6. the statutory requirements that must be satisfied before construction can start; and

- 1.4.7. confirmation that there are no legal impediments to the Scheme being implemented.

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

- 1.5.1. Department for Levelling Up, Housing and Communities “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) (“the Guidance”);
- 1.5.2. Department of Transport Circular 1/97 “Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act” (June 1997).
- 1.5.3. Department of Transport Circular 2/97 “Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority” (June 1997); and
- 1.5.4. Department of the Environment, Transport and the Regions “Preparing and Making Bridge/Tunnel Schemes under s106 of the Highways Act 1980 and Orders under s108 for the Diversion of Navigable Waters” (March 2000).



## **2.0 EXECUTIVE SUMMARY**

### **2.1. Background**

- 2.1.1. As is set out in this Statement it has been a longstanding aspiration of the Council to secure the delivery of a new single carriageway road, known as the Middlewich Eastern Bypass (“the Scheme”).
- 2.1.2. The proposed route of the Scheme will follow 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.
- 2.1.3. To secure the delivery of the Scheme, Cheshire East Council (“the Acquiring Authority”) has made the following Orders:
- 2.1.3.1. The Cheshire East Council (A533 Middlewich Eastern Bypass) (Classified Road) Compulsory Purchase Order 2022 (“**the CPO**”)
  - 2.1.3.2. The Cheshire East Council (A533 Middlewich Eastern Bypass) (Side Roads) Order 2022 (“**the SRO**”) and
  - 2.1.3.3. The Cheshire East Council (A533 Middlewich Eastern Bypass – Trent and Mersey Canal Bridge) Scheme 2022 (“**the Bridge Scheme**”)
- 2.1.4. The Acquiring Authority considers that the Scheme will form a key part of the Local Plan infrastructure programme, which will deliver a much-needed improved highway network for Middlewich. The benefits of the Scheme which are fully set out in section 7 of this Statement include the alleviation of congestion; improved air quality and also extend to unlocking land allocated for employment uses in the Cheshire East Local Plan (“**the Local Plan**”).
- 2.1.5. The land and new rights proposed to be compulsorily acquired under the CPO (“**the Order Land**”) covers approximately 52.3 hectares of land in the Boroughs of Cheshire East and Cheshire West and Chester. The Scheme will be constructed on the edge of the settlement boundary to the east of Middlewich. It is framed generally by agricultural land interspersed with field ponds and woodland areas. The Midpoint 18 Business Park is immediately to the west of the Scheme, with the town of Middlewich beyond agricultural land to the west.
- 2.1.6. The full extent of land to be acquired is set out in greater detail in section 12 and identified on the map accompanying the CPO (“**the Order Map**”). The land required for the entirety of the Scheme, including but not limited to the Order Land, is referred to throughout this Statement as the Site and is identified on the Scheme Plan (Appendix 1).

### **2.2. Main Purposes of the Scheme**

- 2.2.1 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.
- 2.2.2 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.
- 2.2.3 Section 5 explains that 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 pass through the town to travel to destinations further afield such as the M6, Chester, Crewe, Macclesfield, Northwich and Winsford. A further road, the A533 passes through Middlewich town centre, which links Northwich to Sandbach.
- 2.2.4 The Scheme will improve links between destinations to the north and east of Middlewich and destinations to the south of Middlewich, and the surrounding area, easing congestion and providing indirect benefits to links to destinations west of Middlewich.

## **2.3 Scheme Development**

- 2.3.1. The Acquiring Authority has considered a broad range of options to reduce traffic congestion in the area, including improvements to the existing road network and public transport alternatives. Details are provided at section 9, below.
- 2.3.2. The Acquiring Authority's initial options assessment for the Scheme (as is explained in section 9), undertaken in 2015, considered 8 potential routes before the Preferred Option (Option 5) was adopted. The Outline Business Case for the Preferred Option was approved by the Department for Transport in November 2017.
- 2.3.3. As is explained in section 9 of this Statement, the Scheme has also been the subject of a significant amount of public consultation.

## **2.4 Funding**

- 2.4.1. The Acquiring Authority's overall expenditure on the Scheme is expected to be £74m, including an approved budget of £1.8m for prior years which pre-dates the current Scheme.
- 2.4.2. The Acquiring Authority's Medium-Term Financial Strategy, as reported to Cabinet in February 2021, makes provision for this expenditure, where £25.5m is included in the approved Capital Programme and £48.5m in the Addendum, pending completion of the Final Business Case and approval from the Department for Transport Local Majors grant funding approval to the value of £46.78m.

- 2.4.3. The Acquiring Authority's local contribution will be met from S106 developer contributions, of which £7.8m has already been secured. The Acquiring Authority will be required to forward fund the full contribution until such time as S106 contributions become payable.

## **2.5. Planning**

- 2.5.1. As is fully set out in section 8 of this Statement, the Scheme has the benefit of a significant amount of planning policy support at a national level; a sub-regional level; and, a local level. From a national perspective the Scheme benefits from support in a number of policy documents including the National Planning Policy Framework; the DfT Strategic Vision; and the National Infrastructure Plan 2013. Sub-regionally, support can be drawn from policy documents including the Strategic Economic Plan and Growth Plan for Cheshire and Warrington and the Cheshire East Local Transport Plan. More locally, support can be drawn from (amongst others) the Cheshire East Local Plan Strategy 2017; the Cheshire West and Chester Local Plan; and saved policies of the Congleton Local Plan and the Vale Royal Borough Local Plan.
- 2.5.2. A planning application for "Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the 'Middlewich Eastern Bypass', together with associated highway and landscaping works" was submitted to the Council on 16 November 2018, validated on 22 November 2018 and given the reference number 18/5833C.
- 2.5.3. The application was the subject of a full consultation programme and was reported to the Council's Strategic Planning Board on 24 April 2019 with a recommendation for approval.
- 2.5.4. A parallel planning application for "Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the 'Middlewich Eastern Bypass', together with associated highway and landscaping works" was also submitted to Cheshire West and Chester Council on 16 November 2018, received and validated on 19 November 2018 and given the reference number 18/04483/FUL.
- 2.5.5. The application was the subject of a full consultation programme and was determined by the Case Officer under delegated powers with permission granted by a Decision Notice on 3 September 2019.
- 2.5.6. Changes to the Scheme to reduce estimated costs since the original planning applications were submitted have required new applications to be made to both Local Planning Authorities.
- 2.5.7. Two applications were made to the Local Planning Authority:
- 2.5.8. A section 73 application for "Variation of condition no. 2 (approved plans) on planning approval 18/5833C Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the 'Middlewich Eastern

Bypass', together with associated highway and landscaping works" was submitted on 22 May 2020, validated on 27 May 2020, and given the reference number 20/2064C. This application was approved with conditions on 8 October 2020.

- 2.5.9. A new planning application for "Proposed additional areas associated with the approved road scheme (18/5833C), referred to as the 'Middlewich Eastern Bypass' and consisting of ecological and landscape mitigation and a revised farmer's underpass" was submitted and validated on 29 May 2020 and given the reference number 20/2162C. This application was approved with conditions on 22 October 2020.
- 2.5.10. Further section 73 applications relating to each of the planning permissions were submitted on 12 April 2021 on the basis of reduced requirements relating to environmental mitigation (refs. 21/2044C and 21/2073C. At the time of making these Orders neither application has been determined. Each application is the subject of a full consultation programme and each application is expected to be determined under delegated authority.
- 2.5.11. An application to Cheshire West & Chester Council for "Non material amendment to 18/04483/FUL - New attenuation pond in northern compound area, removal of bat woodland planting, and minor changes to a Public Right of Way diversion" was submitted on 22 May 2020, and given the reference number 20/01758/NMA. The application was approved on 16 June 2020.
- 2.5.12. Full details of the planning position for the Scheme proposals can be found at section 15 of this Statement.

## **2.6. Ecology**

- 2.6.1. For ecological mitigation, habitat loss and gain calculations have been undertaken for the Scheme to ensure there is a net gain in habitats, resulting in an ecologically sustainable Scheme.

## **2.7. Landownership and Negotiations**

- 2.7.1. Details of landownerships are referred to in section 12 of this Statement.
- 2.7.2. The Acquiring Authority already owns or has acquired part of the Site required for the Scheme and is satisfied that the implementation of the Scheme requires the acquisition of the remaining land and property interests, as set out in the CPO. The Acquiring Authority has sought to notify all of those who have a legal interest in any the Order Land, and to acquire all of these interests by agreement where possible. It is clear, however, that compulsory purchase powers need to be employed as a matter of last resort in this case in order to secure the delivery of the Scheme within a reasonable and realistic timescale.
- 2.7.3. Whilst all landowners have been contacted, and negotiations have taken place and are ongoing, it is clear that unless the CPO is made and confirmed, the

Acquiring Authority would be unlikely to be able to assemble the land and interests needed to deliver the Scheme proposals within a reasonable timescale or at all. Therefore, unless the CPO is confirmed, the disparate land ownership and the process of land assembly will inevitably delay the delivery and progression of the Scheme.

## **2.8. SRO**

- 2.8.1. The associated SRO is required to authorise the Acquiring Authority to improve highways, stop up highways and private means of access affected by the construction of the Scheme, and to construct new highways and provide new private means of access, required as a consequence of the Scheme works. Full details of the need for the SRO are set out in section 11 of this Statement.

## **2.9. Bridge Scheme**

- 2.9.1. The purpose of the Bridge Scheme is to allow construction of a bridge across a navigable waterway. This is undertaken pursuant to Section 106 of the Highways Act 1980, which is the only means of allowing construction of a road bridge over a navigable waterway. The Bridge Scheme sets out the design of the bridge and includes the relevant design detail information to show what, if any, impact there is on public and private rights of navigation.
- 2.9.2. Notwithstanding planning permissions and consultations held with the Canal & River Trust and the Environment Agency, the Bridge Scheme is made to ensure that the statutory right to bridge over the navigable waters of the Trent and Mersey Canal is established, removing any impediment to delivery of that aspect of the Scheme.

## **2.10. Summary Conclusions**

- 2.10.1. Accordingly, in the light of the summary set out above and the detail included elsewhere in this Statement of Reasons, the Acquiring Authority considers that the relevant tests in the Highways Act 1980 are met, the criteria in the CPO Guidance is satisfied and that there is an overwhelming compelling case in the public interest for the confirmation of the CPO, the SRO and the Bridge Scheme.

### **3.0 STATUTORY POWERS UNDER WHICH THE ORDER IS MADE**

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

- (g) the mitigation of any adverse effects which the existence or use of any highway proposed to be constructed by the Acquiring Authority.
- 3.6 In accordance with paragraph 2 of the Guidance, the Acquiring Authority is using its powers to acquire compulsorily the remaining interests as a matter of last resort, and efforts to acquire interests by private treaty will continue in parallel during the course of the compulsory purchase order process.
- 3.7 Having regard to the nature of the proposals and the advice set out in the Guidance, the Acquiring Authority is satisfied that the powers available to it under the 1980 Act are the most appropriate powers to use in order to achieve its objectives.
- 3.8 The Acquiring Authority has taken full account of the Guidance in making this Order.
- 3.9 The CPO is also made under section 3, Parts 2 and 3 of Schedule 2 (**“the Mining Code”**) and Schedule 3 to the Acquisition of Land Act 1981.
- 3.10 The CPO incorporates the Mining Code contained in Parts 2 and 3 of Schedule 2 of the Acquisition of Land Act 1981 and applied by Section 3 of that Act. By virtue of these provisions, the CPO does not seek to compulsorily acquire mineral interests in the Order Land.
- 3.11 Paragraphs 191 and 192 of the Guidance states that the Mining Code should not be incorporated automatically or indiscriminately, as this may lead to the sterilisation of minerals, including coal reserves. Acquiring authorities are asked to consider the matter carefully before including the Mining Code, having regard to the existence of statutory rights of compensation or whether repair might provide an adequate remedy in the event of damage to land, buildings or works occasioned by mining subsidence.
- 3.12 Incorporation of the Mining Code within an order, thereby engaging Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981, provides for the exclusion of mineral right acquisition from the CPO, avoiding sterilisation of the minerals whilst providing a degree of protection for the Acquiring Authority and allowing the Scheme to be taken forward. By incorporating the Mining Code, the Acquiring Authority can take steps to prevent the working of minerals within a specified distance of the surface, provided compensation is paid.
- 3.13 Ground investigations in the form of desk studies, geophysical investigations, and boreholes have established the presence of salt minerals (in the form of the Wilkesley Halite Formation) across the majority of the Order Land; however, these minerals only appear from a depth of 60 metres below the surface and, as such, will not be impacted by the Scheme. Furthermore, the nature of extraction of brine by way of modern pumping methods means that extraction could potentially still take place in coexistence with the Scheme.

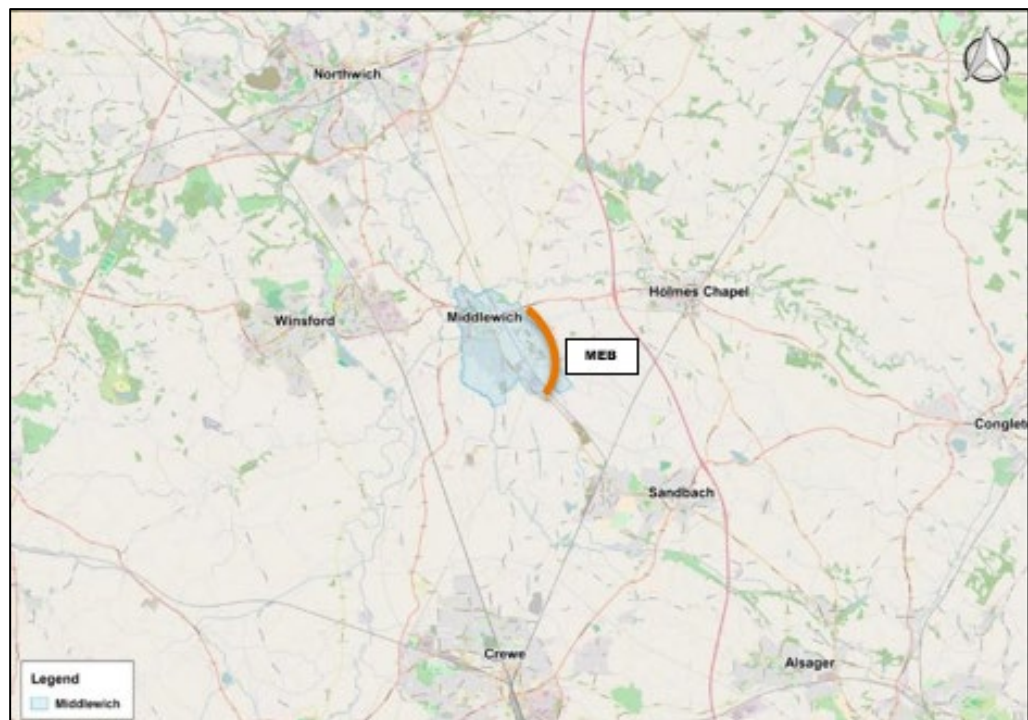
- 3.14 The Acquiring Authority has had regard to the advice contained in the Guidance in preparing the Order and considers that in the circumstances of this case, where compensation and repair of damage would not be adequate in view of the public use and nature of the Scheme, together with the potential traffic implications and disruption that might occur if the mines and minerals within the Order Land were to be worked and such damage were to occur, it is appropriate to incorporate the Mining Code.
- 3.15 The SRO is made under sections 8, 14 and 125 of the Highways Act 1980 Act and in accordance with Schedule 1 of the 1980 Act.
- 3.16 The making and confirmation of the SRO will enable the Acquiring Authority 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.
- 3.17 The Bridge Scheme is made under Section 106(3) of the Highways Act 1980 to enable the construction of a road bridge over the Trent and Mersey Canal being a navigable waterway.
- 3.18 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.



## 4.0 BACKGROUND AND SCHEME DEVELOPMENT

### 4.1. Introduction

- 4.1.1. The Scheme involves the construction of a new single carriageway road, known as the Middlewich Eastern Bypass. The proposed route of the Scheme 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.
- 4.1.2. 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.
- 4.1.3. 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
- 4.1.4. The Scheme is located immediately to the east of Middlewich as shown in Figure 1, below.

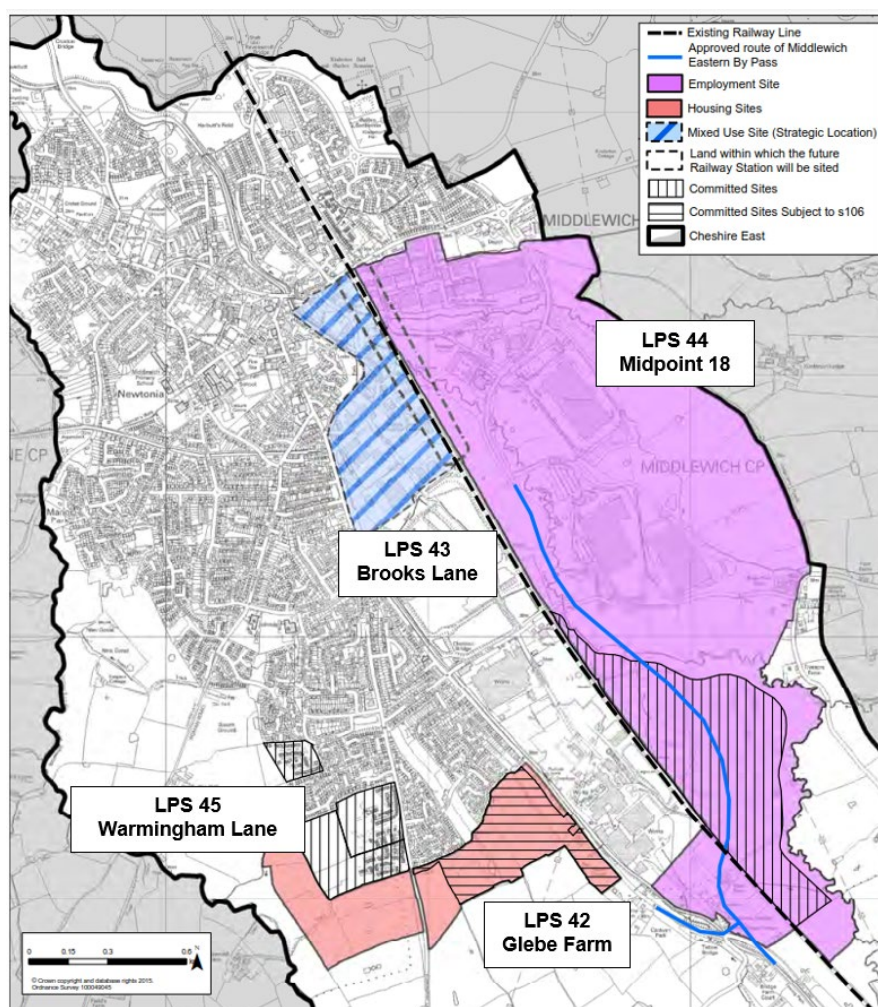


*Figure 1: Location of Middlewich & Middlewich Eastern Bypass*

- 4.1.5. 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 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. Policy PG7 of the Local Plan states that Middlewich is expected to accommodate development of 70 ha of employment land and the bypass is required to release a substantial proportion of this land.

- 4.1.6. 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'.
- 4.1.7. 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'.
- 4.1.8. Figure 2, below, shows the Local Plan Strategy allocated sites and locations for Middlewich.



*Figure 2: Local Plan Strategy Sites in Middlewich*

- 4.1.9. The allocations associated with the sites are:

- 4.1.9.1. Local Plan Site 42 (Glebe Farm) – 525 new homes.
- 4.1.9.2. Local Plan Site 43 (Brooks Lane) – employment and mixed use likely to include: 200 homes, leisure and community facilities, retail facilities, green infrastructure, marina and new railway station.
- 4.1.9.3. Local Plan Site 44 (Midpoint 18) – 70 Ha of employment land.
- 4.1.9.4. Local Plan Site 45 (Warmingham Lane) – 235 new homes.
- 4.1.10. Within the Local Plan Strategy, the Scheme is linked specifically to the Midpoint 18 Business Park (LPS 44, also branded as Magnitude), 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 4.3) 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 granted planning permission under references 18/5883C and 18/04483/FUL (by the Local Planning Authorities of Cheshire East Council and Cheshire West & Chester Council respectively) in 2019. The Scheme is described in section 10.
- 4.1.11. The Scheme is also proposed to be safeguarded under Policy INF 6 in the Revised Publication Draft Site Allocations and Development Policies Document (SADPD) produced by the Council to support the policies and proposals of the Local Plan Strategy. The revised draft plan was subject to public consultation during November and December 2020 and subsequently updated. The Council has given approval for examination and adoption is currently anticipated in Q1/Q2 2022.
- 4.1.12. Cheshire East Council is the main Local Planning Authority (LPA) responsible for granting planning consent for the Scheme, but Cheshire West and Chester Council is also responsible for planning consent for the works associated with the Scheme within their administrative area.
- 4.1.13. Cheshire East Council is 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 the Borough of Cheshire West & Chester via a Section 8 Agreement under the Highways Act 1980.

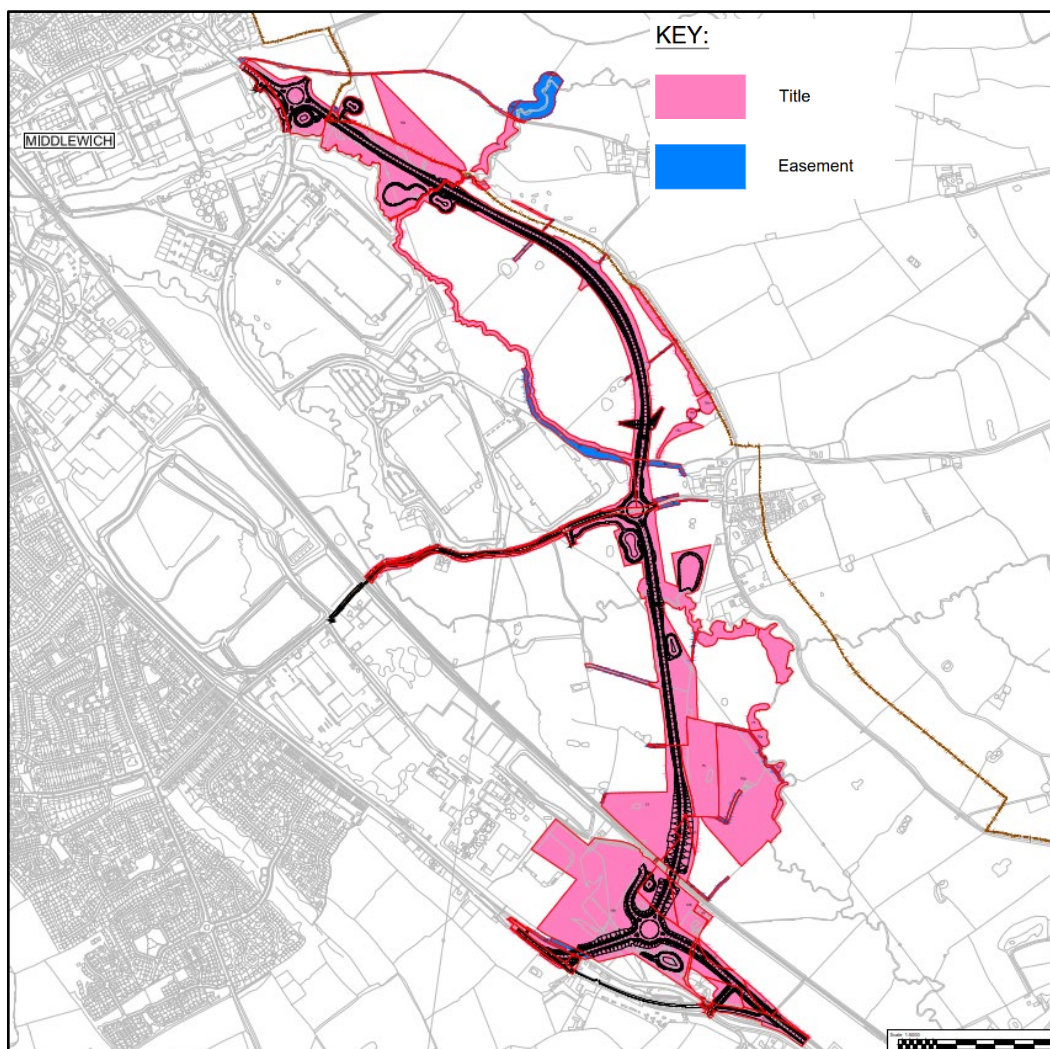
## **4.2. Local Context**

- 4.2.1. The Site is located in a semi-rural area to the east of Middlewich. It is bounded by agricultural land, interspersed with field ponds and wooded areas, and employment uses which largely comprise of logistics distribution centres and brownfield development land. A more detailed summary of the land uses directly affected by the Scheme is provided within Section 12.
- 4.2.2. The Midpoint 18 Business Park (also branded as Magnitude) is located immediately to the west of the Scheme. The village of Sproston is located approximately 2km to the east of the Scheme beyond agricultural land.

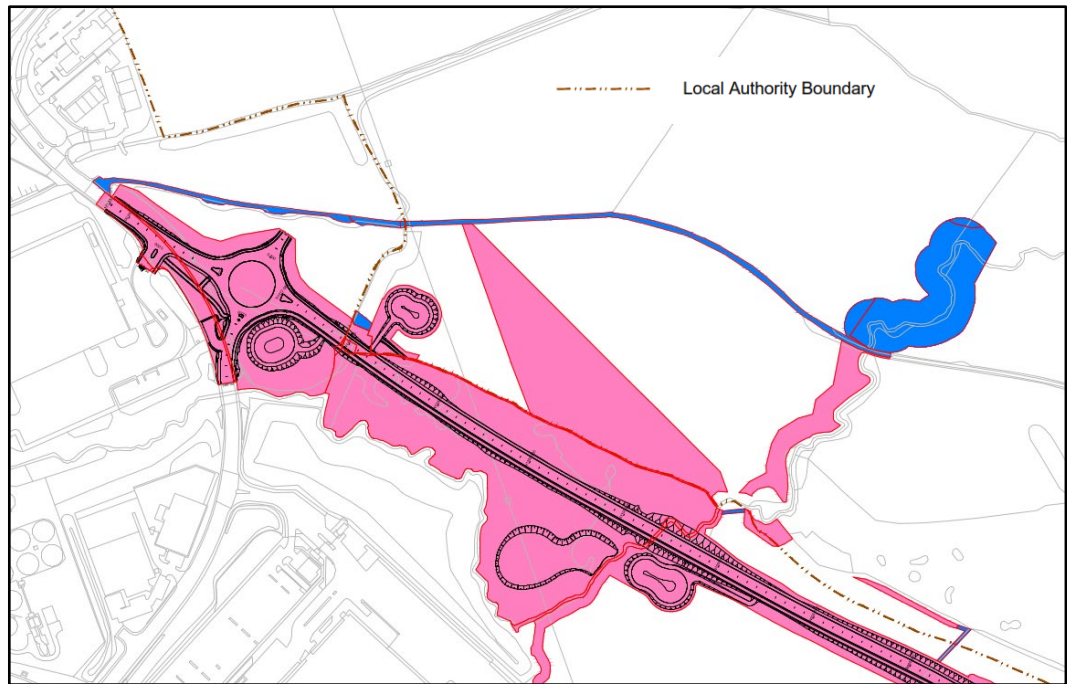


4.2.3. Title to 52.3 hectares of land is required to deliver the Scheme across Cheshire East and Cheshire West and Chester.

4.2.4. 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, below.



*Figure 3: Middlewich Eastern Bypass Land Requirements*



*Figure 4: MEB Extents Within Cheshire West and Chester*

### **4.3. Scheme History**

- 4.3.1. The need for an eastern bypass of Middlewich has been acknowledged for many years and was first proposed around 40 years ago by Cheshire County Council, a predecessor local government body to the Acquiring Authority and Cheshire West & Chester Council.
- 4.3.2. The Acquiring Authority (including its predecessor local government bodies) previously worked in collaboration with a private sector developer, Pochin Group, to deliver an eastern bypass in conjunction with the construction of major logistics distribution facilities within the Midpoint 18 Business Park, with that scheme being effectively developer led and financed.
- 4.3.3. This previous bypass was partially completed in the late 1990's and currently extends from A54 Holmes Chapel Road 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.
- 4.3.4. In 2008, planning permission was granted under reference 07/0323/OUT for the final section of the developer led bypass, to connect Pochin Way to the A533 Booth Lane at Tetton Bridge. This consent included several commercial units in the southern section of the LPS 44 (Midpoint 18), but was conditioned such that further development could not take place until the completion of the bypass. In July 2011 a five-year extension to the planning permission was granted under reference 11/0899C.
- 4.3.5. The route of the final section of the bypass was an approved Cheshire County

Council scheme identified in the County Council's Local Transport Plan. It was safeguarded in the Congleton Local Plan under Policy DP10 and carried forward as a saved policy in Appendix B: Saved Policies of the Cheshire East Local Plan Strategy.

- 4.3.6. Despite the Acquiring Authority securing grant funding of £4.1 million from Central Government and the Acquiring Authority agreeing to forward fund £2.5 million of potential Section 106 contributions, the private sector failed to deliver this developer led bypass. In consequence of this, the Acquiring Authority assumed responsibility for delivery of the bypass from Pochin Group in 2016. The Acquiring Authority subsequently undertook a strategic review of the bypass, which involved an assessment of a series of route options for delivery of an eastern bypass.
- 4.3.7. In June 2016, planning permission was granted under reference 16/2006C 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 enabled reserved matters application 16/3242C to be submitted which 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 whilst also providing the private sector more time to deliver an eastern bypass.

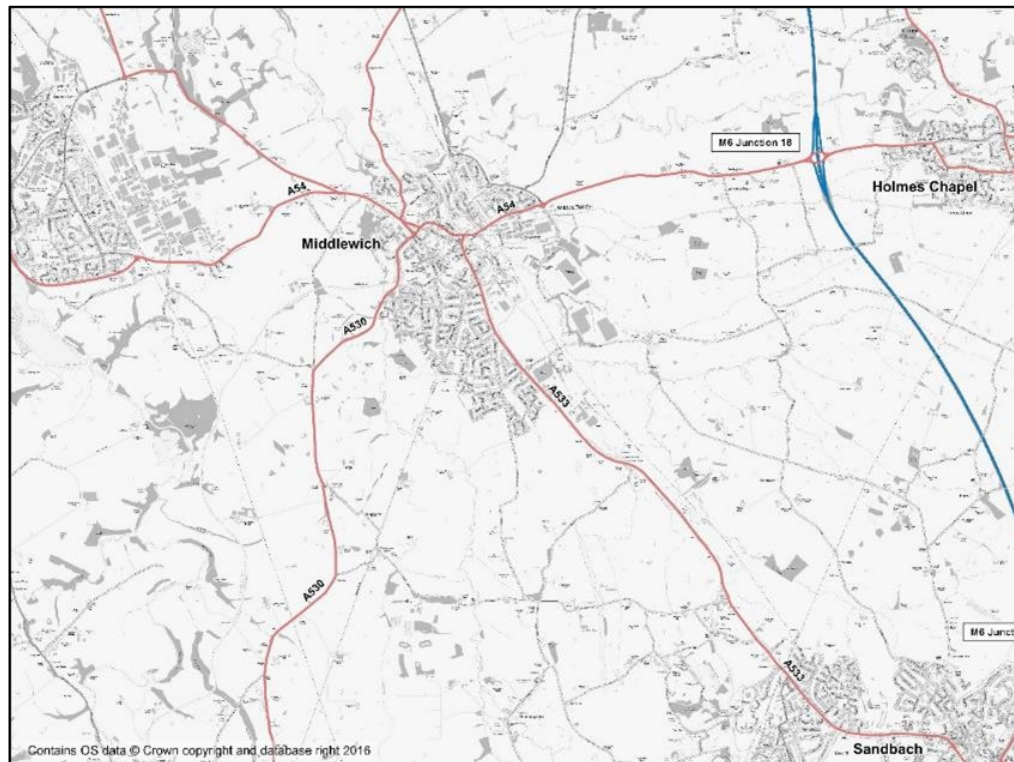
## 5.0 EXISTING AND FUTURE CONDITIONS

### 5.1. Strategic Road Links

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

### 5.2. Existing Road Network

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



*Figure 5: The Existing Highway Network*

- 5.2.2 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 pass through the town to travel to destinations further afield such as the M6, Chester, Crewe, Macclesfield, Northwich and Winsford. A further road, the A533 passes through Middlewich town centre, which links Northwich to Sandbach.
- 5.2.3 The A530 Nantwich Road is a single-carriageway road 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 west of Middlewich Road. This road provides connections to a number of urban centres including Crewe (11km) and Nantwich (14km) to the south but has a height restriction of 3.5m where it passes beneath the Shropshire Union Canal

Branch south west of the town centre restricting the use of the road by large vehicles and HGV traffic. 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.

5.2.4 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 the Borough 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.

5.2.5 The A533 is a single carriageway road, 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.

### **5.3 Traffic**

5.3.1 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.

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

5.3.3 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.

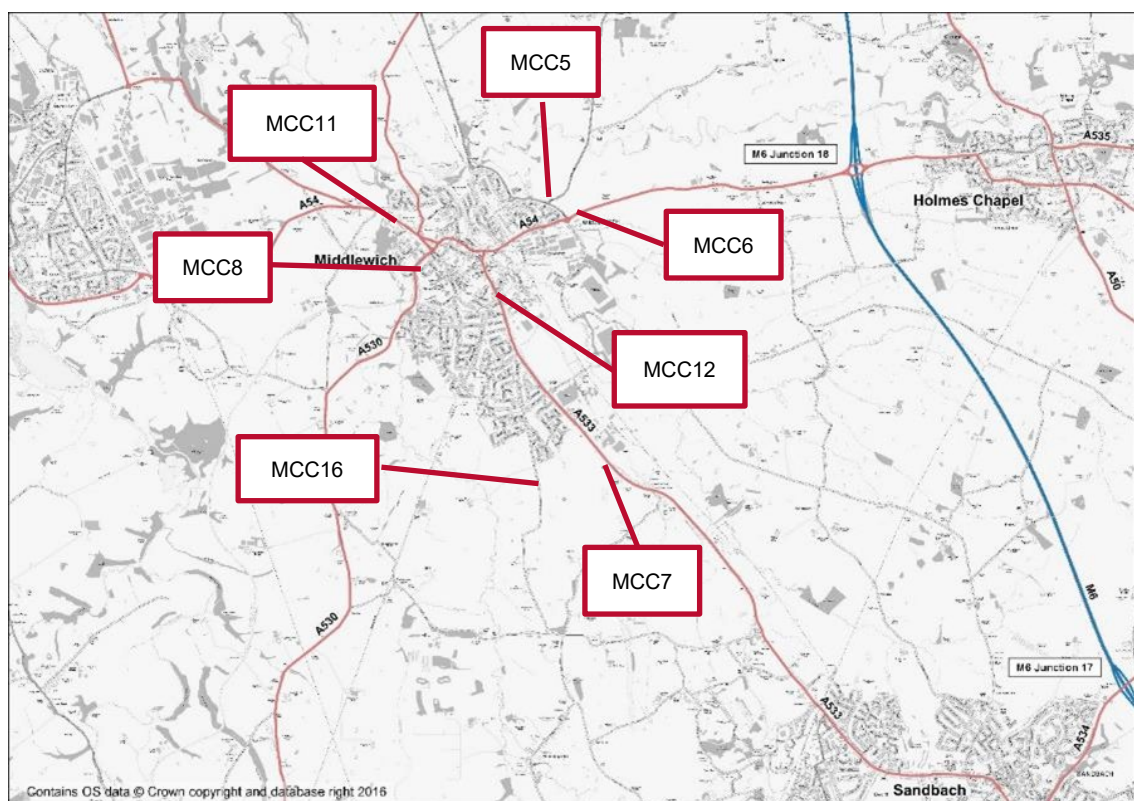
5.3.4 The proximity of Middlewich to urban centres such as Northwich, Crewe, Winsford and Manchester, as well as other major employment locations in the region indicates that much of the workforce use Middlewich as a base to commute to work in these urban centres, with 40% of Middlewich residents identified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

5.3.5 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*

5.3.6 The A54 Holmes Chapel Road between M6 Junction 18 and Middlewich carries a particularly high proportion of HGVs and examination of the DfT national traffic count data indicates that this section of highway is within top 2% of highways with the highest proportion of Heavy Goods Vehicles for all road classes in England Scotland and Wales. Six of the main routes in Middlewich have significantly higher than average levels of HGVs for the type of carriageway.

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

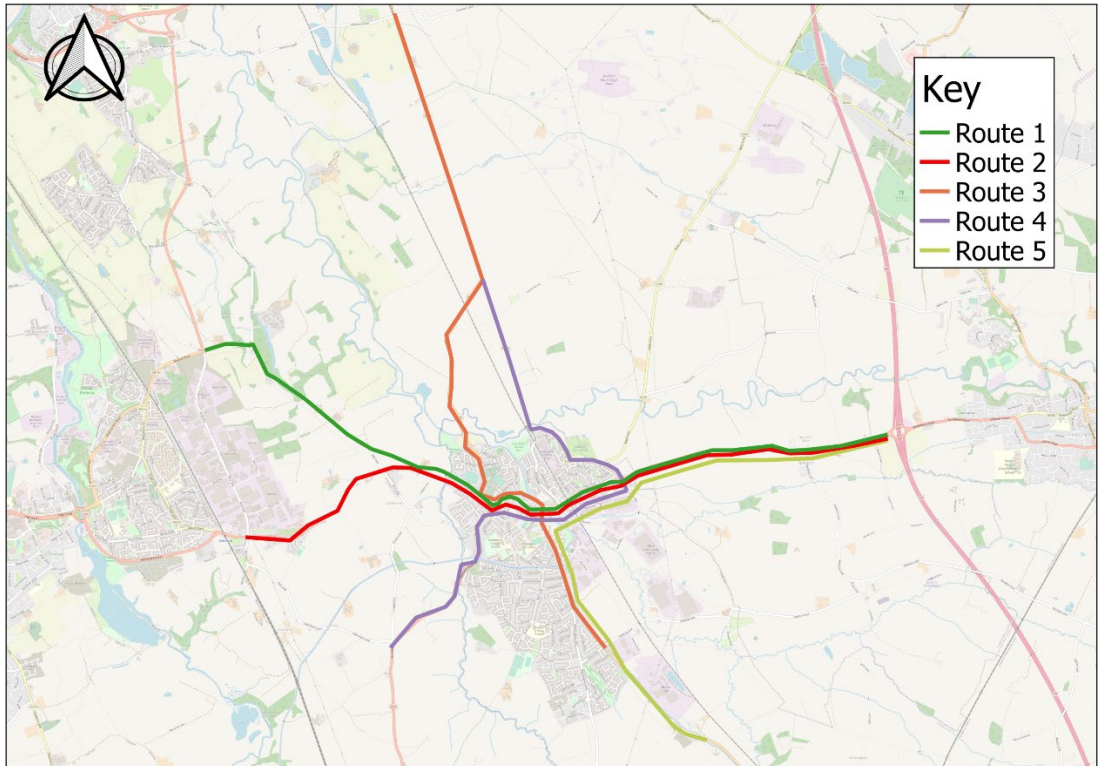
#### **5.4. Observed travel time and speed**

5.4.1 Trafficmaster 2016 data sets, consisting of extensive and accurate GPS sourced traffic data, 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. Trafficmaster data sets are used extensively by the Department for Transport, local authorities, and public and private transport providers throughout the UK.

5.4.2 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 / Holmes Chapel Road are the most congested with traffic moving slowly on the approaches to Middlewich.

5.4.3 In the PM peak all approaches to Middlewich are medium to slow speed with congestion and frequent delays.

5.4.4 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*

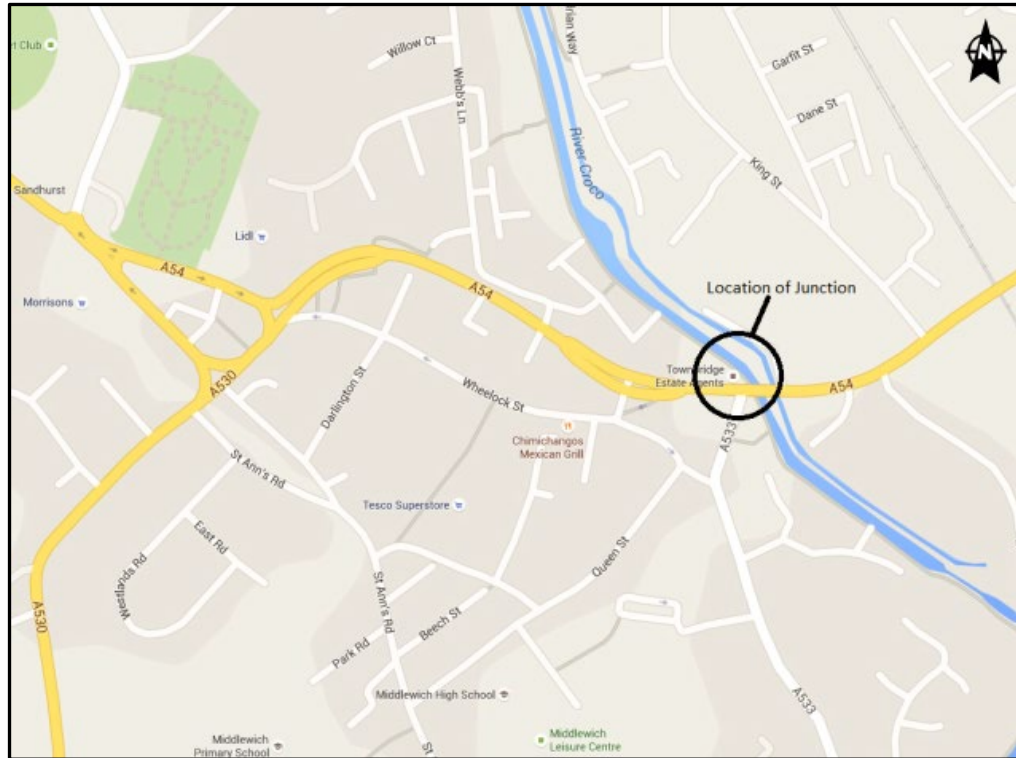
5.4.5 Observed delays for each route are given in Table 2 below:

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
<b>AM PEAK</b>										
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
<b>INTER-PEAK</b>										
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
<b>PM PEAK</b>										
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

5.4.6 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.

5.4.7 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*

5.4.8 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
<b>A54 Kinderton Street</b>	102	114
<b>A533 Leadsmithy Street</b>	90	96
<b>A54 St Michael's Way</b>	60	78

*Table 3: Surveyed Queue Lengths*

5.4.9 Table 4 shows modelled queue lengths and delays for the junction (from the Cheshire East Council 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)
<b>A54 Kinderton Street</b>	133.2	427.9
<b>A533 Leadsmithy Street</b>	116.3	435.5
<b>A54 St Michael's Way (Nearside)</b>	10.3	14.7
<b>St Michael's Way (Offside)</b>	52.3	391.8

*Table 4: Modelled Queue Lengths and Delays*

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

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

## **5.5. Bus Services**

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

5.5.2 Two main bus routes pass through Middlewich:

5.5.2.1 The 37/37A/37E operates between Northwich and Crewe and runs twice an hour Monday to Saturday.

5.5.2.2 The 42 operates between Crewe and Congleton on an hourly service Monday to Saturday.

5.5.3 There are no bus services on Sundays.

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

## **5.6. Train Services**

5.6.1 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.

5.6.2 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.'*



- 5.6.3 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.

## 5.7. Transport Related Environmental Issues

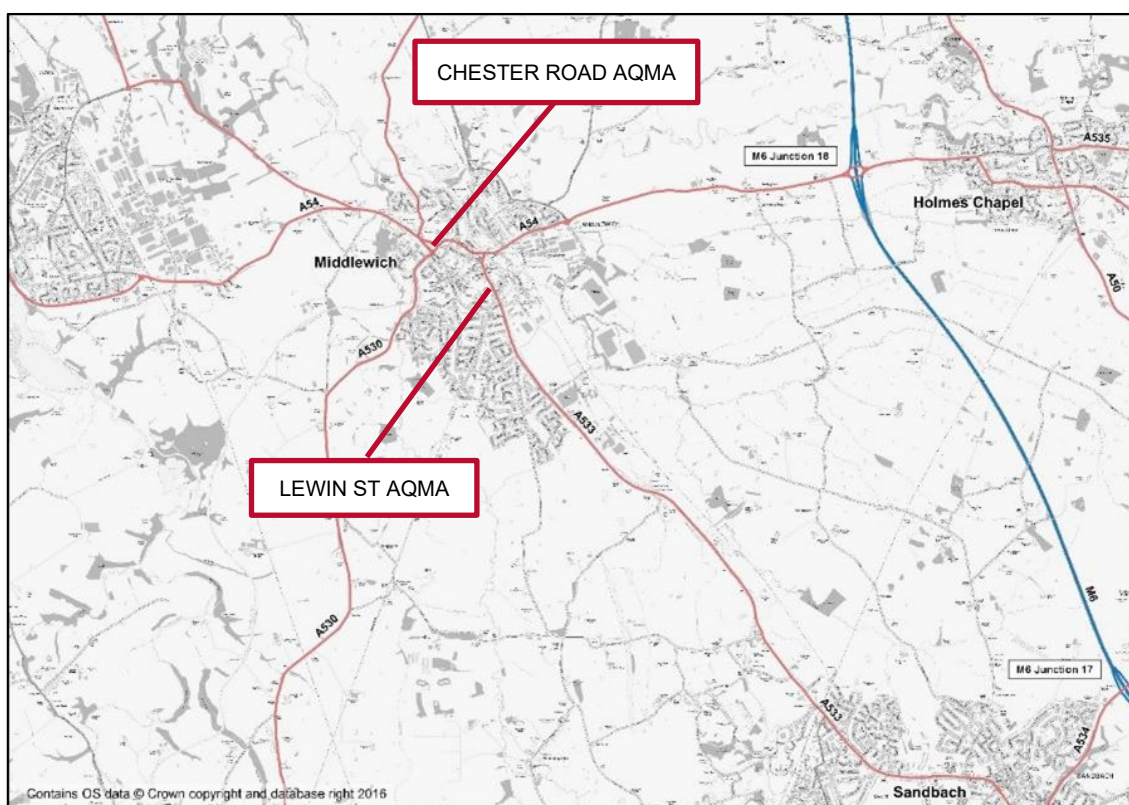
### 5.7.1. Air Quality and Noise

- 5.7.1.1 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.

### 5.7.2. Existing Situation – Air Quality

- 5.7.2.1 There are currently 19 Air Quality Management Areas within the administrative boundary of the Acquiring Authority, declared for exceedance of the Air Quality Objective for Nitrogen Dioxide (NO<sub>2</sub>). Two are within close proximity to the Scheme: Chester Road Middlewich (declared in 2017); and Lewin Street Middlewich (declared in 2019).

- 5.7.2.2 Locations are shown on Figure 9 below.



*Figure 9: Locations of Air Quality Management Areas*

### 5.7.3. Existing Situation – Noise

- 5.7.3.1 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.

#### 5.7.3.2

The sections of roads that are highlighted as NIAs are:

5.7.3.2.1 ID – 10863, A530 Nantwich Road at its junction with Chester Road and St Michael's Way. The Council is the noise making authority;

5.7.3.2.2 ID – 7157, A54 Kinderton Street. The Council is the noise making authority;

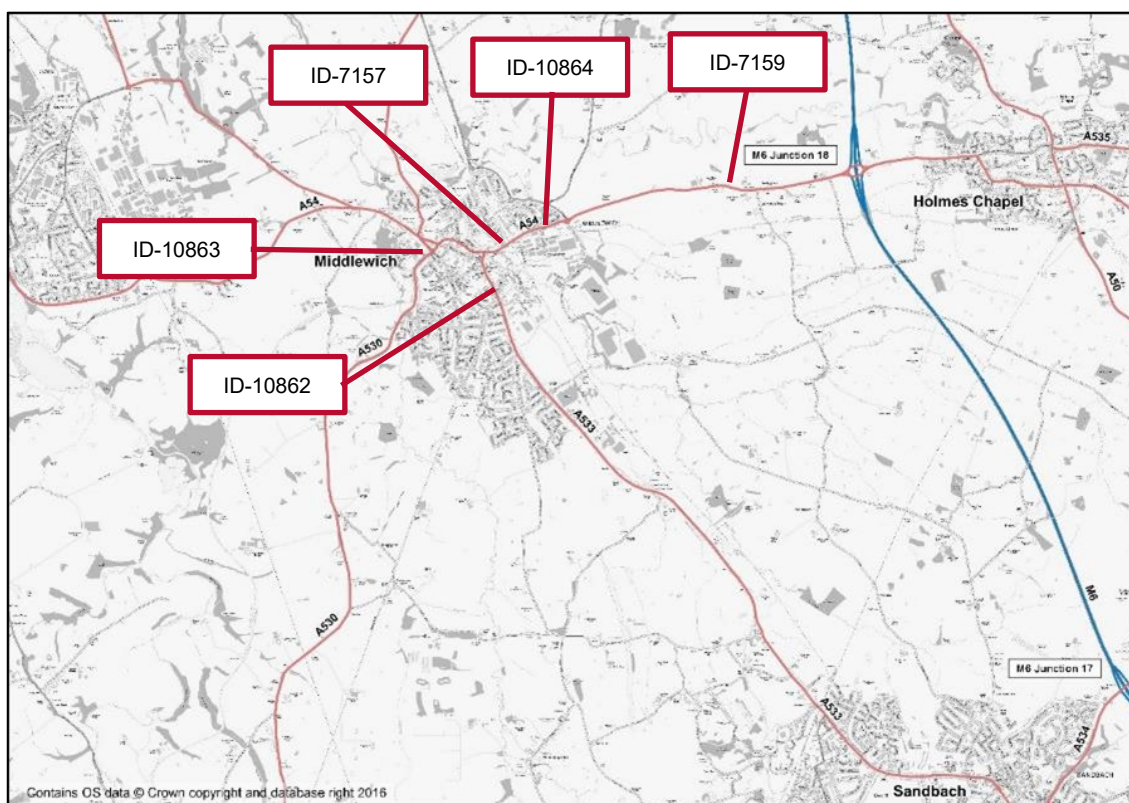
5.7.3.2.3 ID – 10864, A54 Holmes Chapel Road. The Council is the noise making authority;

5.7.3.2.4 ID – 7159, A54 Holmes Chapel Road. The Council is the noise making authority; and

5.7.3.2.5 ID – 10862, A533 Lewin Street. The Council is the noise making authority.

#### 5.7.3.3

The Noise Important Areas are shown on Figure 10 below:



*Figure 10: Locations of Noise Important Areas*



#### 5.7.4. Road Safety

5.7.4.1 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.

5.7.4.2 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*

5.7.4.3 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.

5.7.4.4 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 10 below which combines photographs taken from a study undertaken by the Council in 2015.



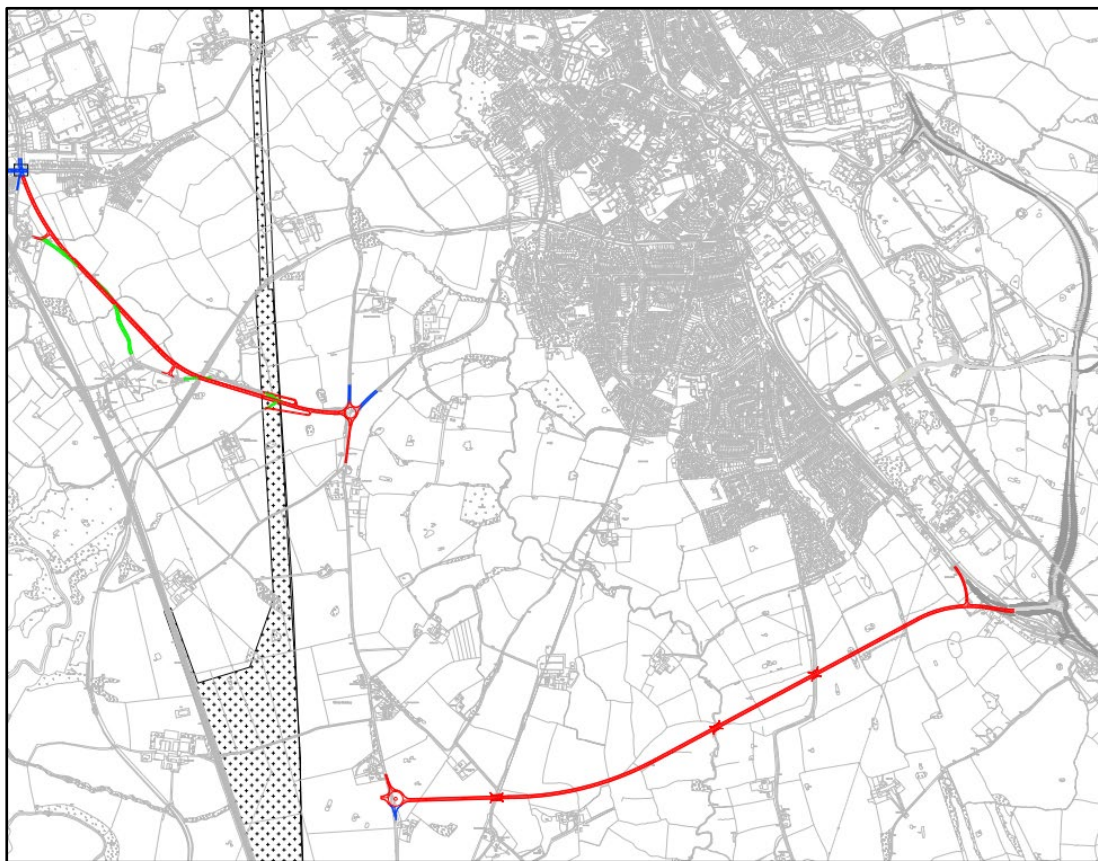
*Figure 12: Photographs Illustrating Lewin Street Hazards*

## **6 NEED FOR THE SCHEME**

### **6.1 Local and Regional Need**

- 6.1.2 The Scheme is promoted by the Acquiring Authority as a means of relieving congestion in Middlewich, improving journey time reliability on the existing wider highway network, directly facilitating the development of the LPS 44 (Midpoint 18) strategic employment site, and indirectly facilitating other traffic generating developments such as LPS 43 (Brooks Lane) in the Local Plan Strategy, as discussed in section 4, through improvements to the wider highway network.
- 6.1.3 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.
- 6.1.4 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.'*
- 6.1.5 The Local Plan Strategy states that Middlewich has been identified as one of the Key Service Centres for the Borough, and, as such, the vitality and growth of the town contributes to the prosperity of the Borough as a whole.
- 6.1.6 As highlighted in Section 4, 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.
- 6.1.7 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 Transport for the North.
- 6.1.8 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, North Midlands and North Wales. The Scheme will contribute to the growth ambitions of the North by improving connections within Cheshire.
- 6.1.9 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.
- 6.1.10 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.

- 6.1.11 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 LPS 44 (Midpoint 18) is an example of the constellation town's potential for future growth.
- 6.1.12 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*

## **6.2 Traffic Problems and Issues**

### **6.2.1. Congestion and Delay**

- 6.2.1.1 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 Street and A54 Holmes Chapel Road. The A530 and the A533 which both enter Middlewich are also heavily congested at peak times. Section 5 provides information on the existing conditions giving journey time delays observed from collected data for key trips through

Middlewich.

- 6.2.1.2 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.
- 6.2.1.3 Increased congestion would exacerbate all current traffic related problems within the town described in section 5, with the key junction at A54 Kinderton Road / A533 Leadsmithy Street operating over operational threshold capacity in the AM peak and significantly beyond maximum capacity in the PM peak.
- 6.2.1.4 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.
- 6.2.2. Bus Services
- 6.2.2.1 Increased congestion and delay will directly impact bus services as there are no segregation or prioritisation opportunities on the existing road network.
- 6.2.3. Traffic Related Environmental Issues
- 6.2.3.1 Increases in traffic are forecast on all routes which are currently designated Air Quality Management Areas or Noise Important Areas. Traffic increases will cause a worsening of air quality and an increase in noise.
- 6.2.4. Safety
- 6.2.4.1 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.
- 6.2.4.2 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.
- 6.2.5 Employment
- 6.2.5.1 Local Plan Strategic Sites at Midpoint 18 and Brooks Lane, as described in section 4, will provide employment opportunities through the development of a range of uses including logistics, manufacturing, leisure and retail facilities,

together with providing up to 200 houses. However, these sites cannot be fully developed without measures to enhance the road network.

- 6.2.5.2 LPS 44 (Midpoint 18) 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.
- 6.2.5.3 LPS 43 (Brooks Lane) is land-locked by the Trent and Mersey Canal, the Sandbach to Northwich Rail Line and the Cledford Lime Beds, 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.



## **7 OBJECTIVES OF THE SCHEME**

### **7.1 Strategic Review**

7.1.1. In 2015, the Acquiring Authority undertook a strategic review of the bypass which involved an assessment of a series of route options for delivery of an eastern bypass. This process involved a review of the strategic aims and objectives for the bypass and was undertaken in conjunction with key stakeholders. It was also informed by new and updated local, regional and national initiatives as detailed in section 8 and took account of all Draft Local Plan Strategy objectives for Middlewich.

7.1.2. This process cumulated in the preparation of a Strategic Case for the Scheme which was adopted by the Acquiring Authority in May 2016, and which was used for route selection studies and in the selection of a preferred option for the Scheme.

### **7.2 The Strategic Case**

7.2.1. The Acquiring Authority's primary aim in developing the Scheme was 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'*

7.2.2. Implicit within the primary aim were considerations relating to:

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

7.2.3. 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 the Acquiring Authority.

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

#### **7.2.4.1. *Fulfilling delivery of the Local Plan***

The bypass needed 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.

#### **7.2.4.2. *Delivery of further development opportunities***

The bypass needed to be capable of delivering or enabling development opportunities beyond those contained in the Local Plan thereby providing longer term growth benefits to Middlewich.

- 7.2.4.3. *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 needed to be a key component of the Northern Gateway.
- 7.2.4.4. *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 needed to facilitate, and no event hinder the future development of a strategic east-west link providing improved linkage between M6 J18 and Winsford
- 7.2.4.5. *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, connectivity in each direction between the bypass and Cledford Lane was required.
- 7.2.4.6. *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 needed be capable of delivering a suitable standard of access taking into consideration demands for park and ride and linkage for other modes of transport.
- 7.2.4.7. *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 were 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.
- 7.2.4.8. *Speed of delivery*  
Speed of delivery of the scheme is 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 were considered based upon the scale and complexity of works required as an indicator of anticipated time for implementation.
- 7.2.4.9. *Environmental impacts*  
Cumulative impacts from the scheme on habitats & species (including a nationally-significant population of lesser silver diving beetles) were considered based upon initial surveys and identified constraints.



- 7.2.4.10. *Cost and effectiveness of environmental mitigation*  
Closely linked to environmental impacts are the mitigation works required and their cost effectiveness. Key determinants considered included:  
Impacts on watercourses; number of ponds impacted and degree of severance of species communities by the options, and; hedgerow impacts based upon measurement of hedgerows lost and potential significance.
- 7.2.5. All options fulfilled the strategic case requirements and an assessment process, as described in section 9, enabled a Preferred Option to be selected.

### **7.3 The Scheme Objectives**

- 7.3.1. The Scheme Objectives, formed from a refinement of the strategic case requirements, and as listed below, address the needs for the Scheme as presented in section 6, for compliance with the broad objectives of the previous and current Cheshire East Local Transport Plans (current LTP adopted October 2019), and for specific access opportunities to maximise the benefits of The Scheme to Middlewich.
- 7.3.1.1. Relieve traffic congestion and reduce road safety concerns in the town centre;
  - 7.3.1.2. Help deliver the Local Plan, to create opportunities for new business and employment in Middlewich;
  - 7.3.1.3. Help deliver the Local Plan sites for new housing in Middlewich;
  - 7.3.1.4. Help unlock more development opportunities in the future;
  - 7.3.1.5. Provide suitable access to Cledford Lane and Booth Lane from the bypass;
  - 7.3.1.6. Provide facilities for pedestrians and cyclists;
  - 7.3.1.7. Reduce any negative environmental impacts of the scheme.

### **7.4 How the Scheme Objectives are met**

- 7.4.1. Relieve traffic congestion and reduce road safety concerns in the town centre
- 7.4.1.1. 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 will 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% reduction of the total traffic through the Middlewich town centre.
  - 7.4.1.2. The traffic will divert onto the Scheme which will form a quicker and more direct route with fewer junctions and higher speed limits.
  - 7.4.1.3. 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.

- 7.4.1.4. The Scheme 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.
- 7.4.2. Help deliver the Local Plan, to create opportunities for new business and employment in Middlewich
- 7.4.2.1. The Scheme will:
  - 7.4.2.1.1. Provide access to the remaining areas of LPS 44 (Midpoint 18) located to the south of Cledford Lane and, therefore, enable development of the full site allocation.
  - 7.4.2.1.2. Reduce congestion on A54 Kinderton Street within the vicinity of the junction with Brooks Lane releasing capacity in the highway network to support the redevelopment of LPS 43 (Brooks Lane).
  - 7.4.2.1.3. Provide improved access to the former RHM Foods 'Bisto' Site for redevelopment and, therefore, increase its attractiveness to occupiers and developers.
- 7.4.3. Help deliver the Local Plan sites for new housing in Middlewich
- 7.4.3.1. LPS 42 (Glebe Farm) and LPS 45 (Warmingham Lane) are located to the south of Middlewich as shown in section 4 Figure 2.
- 7.4.3.2. Delivery of the bypass will reduce traffic congestion on the adjacent section of A533 Booth Lane and provide the sites with access to a high standard route to the M6. Traffic wishing to head west towards Winsford and Chester will benefit from improved journey times through Middlewich town centre resulting from reduced congestion.
- 7.4.3.3. Both sites submitted outline planning applications which were recommended for approval subject to S106 agreements ahead of DfT approval of the Outline Business Case for the bypass. Following approval of the OBC, each application has been consented with developers having agreed terms for the S106 agreements, and Glebe Farm currently has reserved matters and discharge of planning conditions applications pending. Warmingham Lane will need to submit reserved matters applications by 30/01/2022 to satisfy the condition of the outline consent.
- 7.4.3.4. The creation of employment at Midpoint 18 and Brooks Lane would increase the demand for new housing in Middlewich.
- 7.4.4. Help unlock more development opportunities in the future
- 7.4.4.1. Key features of the bypass have been designed to maximise the potential for future connectivity with the A530 via the proposed southern link and the creation of an alternative route to Winsford (avoiding Middlewich town centre).

- 7.4.4.2. 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.
- 7.4.4.3. Development of a southern link is currently at Strategic Outline Business Case stage and is being studied collaboratively by the Council and Cheshire West & Chester Council, with support from the Cheshire and Warrington Local Enterprise Partnership.
- 7.4.5. Provide suitable access to Cledford Lane and Booth Lane from the bypass
- 7.4.5.1. The Scheme will connect with Cledford Lane via a roundabout junction enabling east-west access. Access from the west will enable traffic from the Council's Environmental Hub site and from the adjacent British Salt site on Cledford Lane to access the Scheme directly further reducing traffic on the A533 and through the town centre.
- 7.4.5.2. Booth Lane will connect with the Scheme via a roundabout junction, providing a high standard of connectivity. A new bridge will be constructed over the Trent and Mersey Canal future proofing the route against long term structural deterioration of the existing bridge over the canal.
- 7.4.6. Provide facilities for pedestrians and cyclists
- 7.4.6.1. A 3m wide dual use cycleway footway will 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.
- 7.4.6.2. Improvements will also be undertaken on Cledford Lane to segregate pedestrians and cyclists from vehicular traffic and strengthening its function as part of Regional Cycle Network Route 71.
- 7.4.7. Mitigate any negative environmental impacts of the Scheme
- 7.4.7.1. 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.

- 7.4.7.2. Where significant impacts to ecological features have been identified, additional mitigation measures to avoid, reduce or compensate for such impacts have been identified and will be implemented to address the impacts. The effects of habitat loss and direct mortality on species will be mitigated by:
- a) Creation of alternative habitat areas, including new ponds for Lesser Silver Water Beetle and toads;
  - b) Financial contribution to the work of the Cheshire Barn Owl Group to support conservation of the species remote from the scheme;
  - c) Creation of bat hop overs, and the provision of bat boxes;
  - d) Creation of a reptile connectivity corridor;
  - e) Mammal tunnels installed under the road;
  - f) Inclusion of mammal ledges within culverts;
  - g) The installation of nest boxes for Kingfisher; and
  - h) The installation of temporary and permanent badger fencing in key locations.
- 7.4.7.3. The areas of habitat creation and enhancement will be subject to continued monitoring and management to ensure they are successful.
- 7.4.7.4. 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.
- 7.4.7.5. The Scheme provides a net biodiversity gain through onsite mitigation and habitat creation on land contained within the CPO and forming part of the planning consent. In the event that the Scheme landtake can be reduced by way of the section 73 consent being granted (see paragraphs 15.5.7 and 15.5.8 of this Statement), the Scheme will provide a minimum of 10% net biodiversity gain through offsite mitigation, agreed with the Cheshire Wildlife Trust.
- 7.4.7.6. Other environmental mitigation that will be included in the scheme includes extensive landscaping to reduce visual impacts and discrete lengths of acoustic fencing to mitigate noise impacts.

## **8 POLICY CONSIDERATIONS**

### **8.1 Introduction**

- 8.1.1. Although the scheme has planning permission, a review of relevant policy documents has been undertaken to identify how the Scheme fits with national, sub-regional and local policy.

### **8.2 National and Strategic Policy**

- 8.2.1 The following National policy documents include relevant guidance:
- 8.2.1.1. National Planning Policy Framework, 2019 (includes minor clarifications to the revised version published in July 2018)
  - 8.2.1.2. Investing in Britain's Future, 2013
  - 8.2.1.3. Actions for Roads, A Network for the 21st Century, 2013
  - 8.2.1.4. National Infrastructure Plan, 2013
  - 8.2.1.5. HS2: Engine for Growth
  - 8.2.1.6. DfT's Strategic Vision, 2014

### **8.3 National Planning Policy Framework (NPPF)**

- 8.3.1. The NPPF sets out the government's planning policies for England.
- 8.3.2. 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.
- 8.3.3. Paragraph 8 of the NPPF sets out that there are three overarching objectives to achieving sustainable development:
- 8.3.3.1. 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;
  - 8.3.3.2. 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
  - 8.3.3.3. 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.

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

8.3.5. 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.

#### **8.4 Investing in Britain's Future, 2013**

8.4.1. This document outlines how the UK will invest in infrastructure to 2015 and beyond. There are 4 elements:

8.4.1.1. A pipeline of public investment in infrastructure worth over £100 billion to 2020;

8.4.1.2. Policy reforms to stimulate new private sector investment in energy generation, building on the UK's world-leading track record in attracting investment;

8.4.1.3. Transforming the financing of major projects by the further roll-out and extension of the UK guarantees scheme; and

8.4.1.4. Strengthening public sector delivery of major projects and programmes, learning from successful approaches taken in the Olympics and elsewhere.

8.4.2. 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.

8.4.3. 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.

#### **8.5 Action for Roads, A Network for the 21<sup>st</sup> Century**

8.5.1. 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.

- 8.5.2. 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.

## **8.6 National Infrastructure Plan**

- 8.6.1. 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.
- 8.6.2. The Scheme has been developed and promoted with the full support of the Cheshire and Warrington Local Enterprise Partnership.

## **8.7 HS2**

- 8.7.1. The delivery of HS2 with a new central hub in Crewe is fundamental to the delivery of the Northern Gateway Development Zone programme, which aims to capitalise on the investment of HS2 in Cheshire East, Cheshire West and Staffordshire.
- 8.7.2. 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.
- 8.7.3. 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.
- 8.7.4. 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 Northern Gateway Development Zone programme will also play a key role in linking the Northern Powerhouse with the Midlands Engine, bridging the gap between the two areas.



## **8.8 Department for Transport Strategic Vision**

- 8.8.1. The Department for Transport has eight performance areas and each area has a long-term aspiration. The eight performance areas are:
- 8.8.1.1. Making the network safer
  - 8.8.1.2. Improving user satisfaction
  - 8.8.1.3. Supporting the smooth flow of traffic
  - 8.8.1.4. Encouraging economic growth
  - 8.8.1.5. Delivering better environmental outcomes
  - 8.8.1.6. Helping cyclists, walkers and other vulnerable users of the network
  - 8.8.1.7. Achieving real efficiency
  - 8.8.1.8. Keeping the network in good condition
- 8.8.2. The Scheme contributes to all performance areas within its local context.

## **8.9 Sub-Regional Policy**

- 8.9.1. The following sub-regional documents are relevant:
- 8.9.1.1. Strategic Economic Plan and Growth Plan for Cheshire and Warrington
  - 8.9.1.2. Cheshire East Local Transport Plan

## **8.10 A Strategic and Economic Plan for Cheshire and Warrington**

- 8.10.1. The aim of the Cheshire and Warrington Local Enterprise Partnership 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.
- 8.10.2. The Local Enterprise Partnership produced a Strategic Economic Plan in March 2014 which outlines how this aim is to be achieved. The Strategic Economic Plan outlines three priority areas:
- 8.10.2.1. Atlantic Gateway
  - 8.10.2.2. Cheshire Science Corridor
  - 8.10.2.3. Crewe High Growth City
- 8.10.3. The Scheme 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 Local Enterprise Partnership Transport Strategy notes that Macclesfield 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.
- 8.10.4. The Scheme, 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 Strategic Economic Plan, 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 Strategic Economic Plan.

## **8.11 Cheshire East Local Transport Plan**

- 8.11.1. In 2011, Cheshire East Council published a Local Transport Plan (LTP) in accordance with guidance produced by the Department for Transport. It was 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.
- 8.11.2. Key objectives outlined in the plan are below:
  - 8.11.2.1. Objective 1 (Congestion): Minimise congestion and improve the overall efficiency of the highway network.
  - 8.11.2.2. Objective 2 (Accessibility): Improve accessibility to key services (employment, education, health, shopping and leisure) and reduce the need to travel.
  - 8.11.2.3. Objective 3 (Maintenance): Improve maintenance of the highway and transport network.
  - 8.11.2.4. Objective 4 (Community): Support community involvement and decision-making.
  - 8.11.2.5. Objective 5 (Health): Support active and healthy lifestyles.
  - 8.11.2.6. Objective 6 (Environment): Protect and enhance the local and global natural environment (including environmental assets such as biodiversity, geodiversity, soils and protected landscapes).
  - 8.11.2.7. Objective 7 (Safety): Improve road safety for all users and increase personal and community safety.
- 8.11.3. The Scheme was developed and secured planning consent during the period that the 2011 LTP was adopted policy, and aligns positively with the key objectives of the plan.
- 8.11.4. A new Local Transport Plan was adopted by the Council in October 2019, several months after the scheme secured planning permission. The new LTP has been reviewed retrospectively to verify that the Scheme still meets the aims and objectives of the Council as stated in the contemporary LTP. It is noted that the plan states the Council's commitment to the delivery of major road schemes including the Middlewich Eastern Bypass.

## **8.12. Local Planning Policy Context**

- 8.12.1. The Scheme extends over two Local Planning Authorities, which both have a Statutory Local Development Plan.
- 8.12.2. For Cheshire East this Plan is made up of:
  - 8.12.2.1. Cheshire East Council - Local Plan Strategy 2010-2030 (adopted on 27 July 2017;
  - 8.12.2.2. Congleton Local Plan, Saved Policies (January 2015).
- 8.12.3. For Cheshire West and Chester, this Plan is made up of:
  - 8.12.3.1. Cheshire West and Chester Local Plan - Parts One and Two (adopted on 29 January 2015 and 18 July 2019 respectively); and
  - 8.12.3.2. Vale Royal Borough Local Plan – Saved Policies (from 29 January 2015).

## **8.13 Cheshire East Local Plan**

- 8.13.1. The adopted Local Plan Strategy is underpinned by a need to improve transport connections across the Borough. Completion of the Scheme is identified as one of the projects required to address congestion issues, in addition to the 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.
- 8.13.2. 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.
- 8.13.3. 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 Scheme shall increase connectivity, and relieve current congestion in Middlewich.
- 8.13.4. The Local Plan states that the delivery of the Scheme should take place alongside new Local Plan developments to ensure its full growth potential.
- 8.13.5. Of the proposed new homes, a significant amount are located to the south of the town at LPS 42 (Glebe Farm) and LPS 45 (Warmingham Lane) as shown in section 3 Figure 2, and shall therefore have improved access as a result of the Scheme.
- 8.13.6. LPS 44 (Midpoint 18) shall be accessed directly off the Scheme and the opportunity is severely limited without the Scheme.
- 8.13.7. 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.

## **8.14 Cheshire West and Chester Local Plan**

- 8.14.1. The Cheshire West & Chester Council 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.
- 8.14.2. Although within Cheshire East, Middleswich is enclosed to the east, west and north by the boundary of Cheshire West & Chester Council. Therefore, the growth of Middleswich and surrounding transport improvements are of importance to Cheshire West & Chester Council.

## **8.15 Planning Policy**

### **8.15.1 Local Level:**

- 8.15.1.1. 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."*
- 8.15.1.2. In order to achieve the vision the Council has 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".*
- 8.15.1.3. 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".*
- 8.15.2. Policy CO2 (Enabling Business Growth Through Transport Infrastructure) of the Local Plan, specifies that support will be given for schemes identified within the Council's 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.
- 8.15.3. The Council's Infrastructure Delivery Plan identifies the importance of the Scheme which is also identified in the emerging Draft Transport Strategy of the 2014 Strategic Economic Plan for the Cheshire and Warrington LEP.
- 8.15.4. Support for The Scheme is also reflected in Cheshire West & Chester Council

Local Plan Policy STRAT 7 Middlewich, which states its support for working with the 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.”*

## **8.16 National Level:**

8.16.1. 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.”*

8.16.2. The proposed Scheme shall contribute to achieving the economic, social and environmental objectives of the NPPF through the following:

8.16.2.1. By improving the efficiency and reliability of the highway network, the Scheme will contribute to the Council'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;

8.16.2.2. The Scheme will contribute to achieving social objectives by

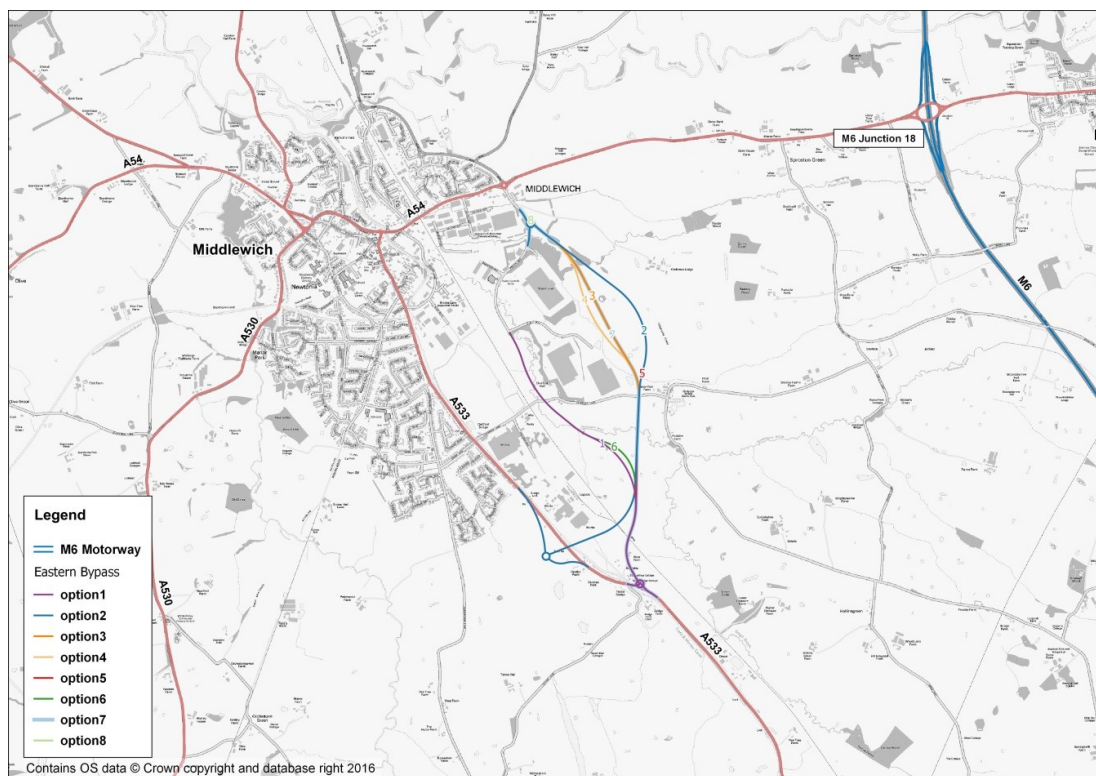
supporting the delivery of housing allocations, improving journey times and improving the reliability of public transport; and

- 8.16.2.3. 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.

## 9 DEVELOPMENT OF THE SCHEME

### 9.1 Option Identification and Selection

- 9.1.1 In line with best practice contained within Department for Transport guidance, the Acquiring Authority 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.
- 9.1.2 The Acquiring Authority's assessments showed that these options performed poorly, when compared to the benefits of a bypass.
- 9.1.3 The Acquiring Authority's Options Assessment studies undertaken for the bypass in 2015/16 considered 8 potential routes, all creating a new road between the A54 Holmes Chapel Road (Salt Cellar Roundabout), passing to the east of Middlewich to the A533 Booth Lane close to Tetton Bridge.
- 9.1.4 The original scheme (as described in section 4) that was partially implemented was included in the Acquiring Authority's assessments as Option 1, and several of the other options shared common sections with the original scheme.
- 9.1.5 The 8 options identified are shown below in Figure 14.

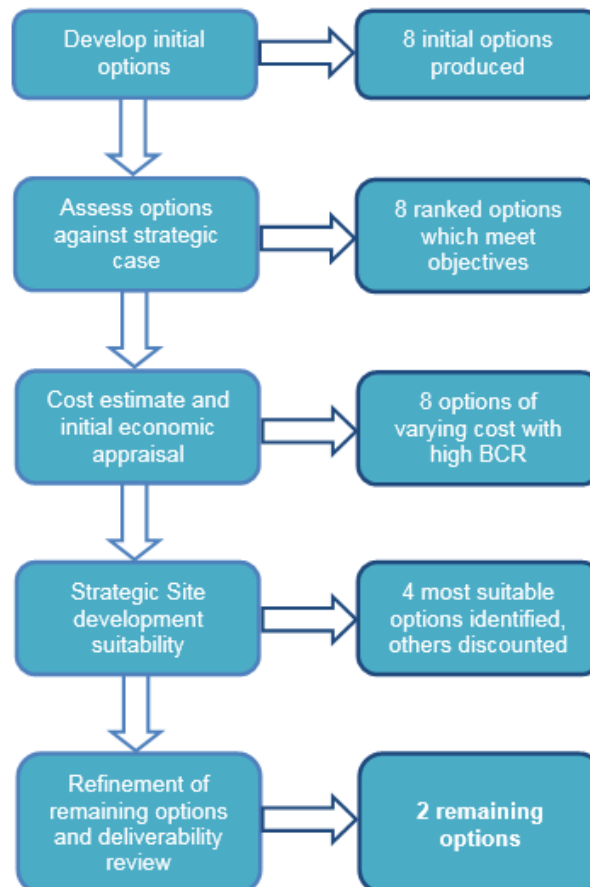


*Figure 14: Middlewich Eastern Bypass Route Options*



9.1.6 Individual General Arrangements for each option are shown in Appendix 2.

9.1.7 The Acquiring Authority compared each of the options against the strategic case objectives for the scheme given in section 7, which led to a ranking of the options. The following process was followed:



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

9.1.9 The historic option (Option 1, with planning permission) formed the low-cost option.

9.1.10 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 Booth Lane in the south formed the preferred option on the strength of high-level assessments as reported in the Options Assessment Report.

- 9.1.11 The two options were subject to further design and assessment in 2016 and 2017 culminating in the submission of an Outline Business Case 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 Outline Business Case.
- 9.1.12 The two options presented in the Outline Business Case are included in Appendix 3.
- 9.1.13 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.
- 9.1.14 Despite being the higher cost option, the Outline Business Case was approved by Department for Transport in November 2017 with the Preferred Option as the preferred scheme due to its broader benefits.
- 9.1.15 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 Cheshire East Council and Cheshire West & Chester Council Local Planning Authorities in November 2018.

## **9.2 Public Consultation**

### **9.2.1 Consultation Background**

- 9.2.1.1. 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 that was submitted to support the planning application for the scheme and the main events are highlighted in the following paragraphs.
- 9.2.1.2. Further representations can also be made in the context of any local Public Inquiry that the Secretary of State may decide to hold in connection with the Orders.

### **9.2.2 Middlewich Transport Consultation**

- 9.2.2.1. The 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.

- 9.2.2.2. Consultation materials were available to view in Middlewich Library between 15 August and 16 September 2016.
- 9.2.2.3. A public engagement event was held between 25 August and 13 September 2016 at St Mary's Parish Hall, New King Street in Middlewich.
- 9.2.2.4. In total, 516 completed questionnaires were received – 389 online and 125 from the staffed events.
- 9.2.2.5. The key messages that respondents reported during the consultation can be summarised as follows:
  - 9.2.2.5.1. 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;
  - 9.2.2.5.2. 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;
  - 9.2.2.5.3. 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;
  - 9.2.2.5.4. 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;
  - 9.2.2.5.5. 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;
  - 9.2.2.5.6. 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;
  - 9.2.2.5.7. 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;
  - 9.2.2.5.8. 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.

- 9.2.2.6. 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.
- 9.2.2.7. 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.

### **9.3 Public Consultation during Development of the Scheme**

- 9.3.1. A further Public Consultation was undertaken by the Council during the development of the Scheme to inform the planning application process between 19 March and 29 April 2018.
- 9.3.2. 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.
- 9.3.3. 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.
- 9.3.4. 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.
- 9.3.5. Most respondents (95%, 433 respondents) agree that Middlewich needs a bypass and 87% of respondents (397 respondents) agree with the Acquiring Authority's proposed route. The need for the Scheme to reduce traffic and congestion was mentioned frequently.
- 9.3.6. 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).

- 9.3.7. 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.
- 9.3.8. Comments were made at consultation events and in responses relating to safety concerns for a proposed staggered T junction with Cledford Lane.
- 9.3.9. 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.

#### **9.4 Other Consultations during the Development of the Scheme**

- 9.4.1. Consultations during the development of The Scheme were undertaken with key bodies including:
  - 9.4.1.1. Statutory Undertakers
  - 9.4.1.2. Environment Agency
  - 9.4.1.3. Countryside Access Forum
  - 9.4.1.4. Cheshire East Highways
  - 9.4.1.5. Local Lead Flood Authority
  - 9.4.1.6. Natural England
  - 9.4.1.7. Historic England
  - 9.4.1.8. Network Rail
  - 9.4.1.9. Canal and River Trust

#### **9.5 Planning Application Consultation**

- 9.5.1. 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.
- 9.5.2. A small number of objections to the Scheme were received.

## **10 DESCRIPTION OF THE PROPOSED ROUTE**

### **10.1 Scheme Description**

- 10.1.1. The Scheme will be 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 the A533 Booth Lane. Approximately 750m of the A533 Booth Lane will be realigned to connect with the Scheme and this includes a new bridge over the Trent and Mersey Canal.
- 10.1.2. The Scheme will 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 will 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 will be formed over approximately 600m to achieve the necessary grade separation.
- 10.1.3. On the western side of the carriageway, a 3m wide dual-use footway/cycleway will be formed to 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 alignment of the Scheme.
- 10.1.4. 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 Council's Environmental Hub (ANSA).
- 10.1.5. The Scheme includes four watercourse crossings. The River Croco and also its unnamed tributary, Sanderson's Brook and also its unnamed tributary will all be culverted beneath the 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.
- 10.1.6. The southernmost extent of the Scheme will 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 be constructed with reinforced concrete abutments and wingwalls, with precast concrete beams and in situ 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.

- 10.1.7. 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 are not increased, reduce noise impacts, and address visual impacts on sensitive receptors.
- 10.1.8. The Scheme will be illuminated at each roundabout junction and for a distance of approximately 100m on each approach to the roundabouts.
- 10.1.9. Drainage of the Scheme will 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.
- 10.1.10. Pochin Way will become an estate road serving current and future development of the northern section of LPS 44 (Midpoint18) which has been its function since its original construction and termination north of Cledford Lane.

## **10.2 Design Standards**

- 10.2.1. The design of the Scheme and side roads is in accordance with the Highways England Design Manual for Roads and Bridges.
- 10.2.2. The following speed limits are applicable to the Scheme:
  - 10.2.2.1. MEB Mainline = 50mph
  - 10.2.2.2. Cledford Lane Improvements = 30mph
  - 10.2.2.3. Pochin Way tie-in = 30mph
  - 10.2.2.4. A533 Booth Lane = 40mph
- 10.2.3. The geometry associated with each element of the Scheme has been developed based on corresponding design speeds.
- 10.2.4. The design complies with the geometric requirements set out in the Design Manual for Roads and Bridges however, due to some of the existing constraints, a number of departures have been designed into the Scheme. A brief description of the main departures follows:
- 10.2.5. MEB Mainline Departures from Standard
  - 10.2.5.1. Roundabout entry lane widths: Entry lanes on all roundabouts have been designed wider than permitted by standard CD116 paras 3.11-3.14. Design has been undertaken based upon swept path predictions for HGVs to avoid conflict with other vehicles using adjacent entry lanes and is considered to be an improvement to highway safety given the predicted high proportion of HGVs within the overall traffic mix.



- 10.2.5.2. Carriageway width: The design features a 10m wide kerbed carriageway throughout, which is non-compliant with CD127 Figure 2.1 for a wide single carriageway, which shows a 1m hardstrip without kerbs on each side of the carriageway for rural WS2 standard highway. The design produced reduces land take without compromising safety and facilitates grade separation of the cycleway footway adjacent to the carriageway.
- 10.2.5.3. Provision of pedestrian refuge islands at highway crossings (two departures): CD143 para E/4.6 states that 'Refuge islands shall not be provided where the speed limit is greater than 40 mph except where the refuge island is incorporated into a single lane dualling design'. Levels of usage of the 2 public rights of way which cross the highway are not considered to justify the use of other forms of crossing, and pedestrian refuges have been incorporated to provide a two-stage uncontrolled crossings, with appropriate road markings and signage incorporated to ensure highway safety.
- 10.2.5.4. Highway geometry (one departure): The vertical curvature where the scheme crosses the railway has a K value of 30 which is a one-step relaxation from the requirements of CD109 Table 2.10 and para 2.13. This is treated as a departure due to its proximity to the approach to the southern roundabout.
- 10.2.5.5. Forward visibility (one departure): The vertical curve K value of 30 above results in a one-step relaxation of CD109 Table 2.10 sight stopping distance, which given its proximity to the roundabout approach is treated as a departure.
- 10.2.5.6. Maintenance hardstanding visibility (two departures): CD169 paras 7.2 to 7.4, and 7.6 specify the requirements for visibility meeting desirable minimum sight stopping distance in accordance with CD109 Table 2.10 in both directions for vehicles exiting maintenance hardstandings. The hardstanding near the railway bridge has rearward visibility one step below desirable min SSD, which is considered to be satisfactory as it would be a permitted relaxation under the terms of CD109. The maintenance hardstanding south of Cledford Lane has rearward visibility three steps below desirable min SSD due to the roundabout, but given the close proximity to the roundabout vehicles approaching the hardstanding are not likely to be travelling at design speed and a lower value of rearward visibility is justified.
- 10.2.6. Cledford Lane Departures from Standard
- 10.2.6.1. Highway geometry (two departures): One horizontal curvature departure, and one vertical curvature departure have been incorporated in the design to reduce the scope of works required to Cledford Lane.
- 10.2.6.2. Superelevation (fifteen departures): To reduce the scope of works required to Cledford Lane the carriageway is designed wherever possible as an overlay of the existing, resulting in a large number of departures from CD109 superelevation requirements. Given the low speed and minor status of the lane this is not considered to present a safety risk.

- 10.2.6.3. Forward visibility (four departures): The combination of bendiness of the road together with hedgerows close to the edge of carriageway on the northern side contribute to four instances of sub-standard forward visibility. This is not worse than the existing visibility on Cledford Lane, and vulnerable road users will be taken off carriageway creating a safer route.
- 10.2.7. Pochin Way Tie-in Departures from Standard
- 10.2.7.1. Highway geometry (one departure): The departure is due to relaxations in combination, with horizontal curvature three steps below desirable minimum at 90m and vertical sag curve one step below desirable minimum with a K value of 9. The departure is needed to avoid modifications to the existing bridge over the River Croco.
- 10.2.7.2. Superelevation (one departure): The 90m radius horizontal curve has a 5% adverse camber.
- 10.2.8. A533 Booth Lane Departures from Standard (all on tie-in to northern section of Booth Lane via western arm of south roundabout)
- 10.2.8.1. Highway geometry (one departure): Vertical crest curve 3 steps below desirable minimum with K value of 6.5.
- 10.2.8.2. Highway geometry and visibility combined (one departure): Horizontal curvature 4 steps below desirable minimum with radius of 90m combined with forward visibility three steps below desirable minimum.
- 10.2.8.3. Superelevation (two departures): Sub-standard transition length for application of superelevation (21.7m vs 46.5m), and superelevation of 5% is less than the recommended 7% with radius of 90m.
- 10.2.8.4. The departures on Pochin Way and Booth Lane are the most significant and will be mitigated through the use of suitable advisory signage.

## **11 SIDE ROADS ORDER AND BRIDGE SCHEME**

### **11.1 The Need for a Side Roads Order**

11.1.1. The SRO is required to enable the Council to improve highways, stop up existing highways and private means of access affected by the construction of the Scheme, and to construct new highways and provide new private means of access required as a consequence of the main Scheme works. These are summarised below and the impacts on Private Means of Access are summarised in table form in Appendix 4.

11.1.2. In this section the Scheme is referred to as “the Classified Road”.

### **11.2 Pochin Way and Public Right of Way Alterations (Site Plan No. 1)**

#### **11.2.1 Highways to be Improved**

- (i) Lengths of Pochin Way approaches to the new Classified Road and its Roundabout which will be positioned to the south east of the access road to Optima Logistics will be undertaken, to provide the realigned connections which will form the north western and south western arm connections of the Classified Road Roundabout.

#### **11.2.2 Highways to be Stopped Up**

- (i) A 94 metres length of Pochin Way south eastwards from the south east side of the private access to Optima Logistics, where it is to be replaced by the realigned approaches of the Classified Road to its Roundabout at this location, will be stopped up.
- (ii) A 315 metres length of Middlewich Footpath 22, from a point north west of the access to Optima Logistics, to where it junctions with Sproston Footpath 4, and a 70 metres length of Sproston Footpath 4, will be stopped up. The continuity route for pedestrians between the two terminal points of stopping up, will be by use of the new Classified Road and improved highway approaches footways, together with a new Cycle Track (with a right of way on foot), which is to be provided over the stopped up length of Pochin Way.

#### **11.2.3 New Highways**

- (i) A new highway approximately 26 metres length highway stub will be provided north eastwards off the Classified Road Roundabout with Pochin Way, which will facilitate the future connection with the Roundabout at this location, and from which a private means of access point into land off this stub will be provided in the interim.
- (ii) A new all-purpose highway cul-de-sac highway and turning head, will be provided off the south western arm of the Classified Road Roundabout with Pochin Way, along part of the stopped up Pochin Way, and which will provide

the highway access to the United Utilities Pumping Station Site located off it.

- (iii) A new Cycle Track (with a right of way on foot) will be constructed on the south west side of the Classified Road roundabout connection with Pochin Way, and over part of stopped up Pochin Way, offering a non-vehicular route for cyclists and pedestrians around this part of the Classified Road roundabout.

#### **11.2.4 Private Means of Access to be Stopped Up and New Means of Access**

- (i) A short length of private access track to Optima Logistics will be stopped up, with a new means of access provided at the new realigned highway boundary approach to this access, to the north west of the Classified Road Roundabout there.
- (ii) Two accesses, a dropped kerb access and a recess gated access to agricultural land, located off Pochin Way, opposite Optima Logistics, the latter of unknown purpose, but leading to land separated by a bridged watercourse, will be stopped up. A single new means of access to the land will be provided off the north east stub highway off the Classified Road Roundabout with Pochin Way, into land located on the south east side of the bridged watercourse.
- (iii) A gated access to the United Utilities Pumping Station site, off stopped up Pochin Way, will be stopped up as the access pertains to that that stopped up highway. A new means of access to the Site will be provided off the new highway referred to in 11.2.3(ii) above. This is a technical access closure and the private means of access to the Pumping Station site will remain unaffected, with no works required upon it, with access remaining positioned as now, but off a foreshortened cul-de-sac highway off the south western arm of the Classified Road Roundabout there.

### **11.3 Private Means of Access Alterations (Site Plan No. 2)**

#### **11.3.1 New Means of Access**

- (i) A new means of access to agricultural land, OS Field Number 8694, which will be severed by the length of the Classified Road extending south eastwards from the Pochin Way Roundabout will be provided. The new access will extend off the south western boundary of the Classified Road and will extend off an integral access track of the Classified Road, which leads to one of its integral drainage ponds and other of its drainage system.

### **11.4 Cledford Lane and Public Right of Way Alterations (Site Plan No. 3)**

#### **11.4.1 Highways to be Improved**

- (i) Lengths of Cledford Lane approaches to the Classified Road Roundabout on Cledford Lane will be improved to make a suitable connection with the Cledford Lane Roundabout and over a longer length of Cledford Lane

westwards from the Roundabout, to improve the alignment and incorporate improved cyclist and pedestrian facilities, by means of an integral Cycle Track (with a right of way on foot), consistent with its status as a National Cycle Network (NCN) route 71. NCN route 71 will also be carried through the Cledford Lane Roundabout of the Bypass, connecting with its continuity along Cledford Lane east and west, either side of the Bypass.

#### **11.4.2**      Highways to be Stopped Up

- (i) A 68 metres length of Middlewich Footpath<sup>19</sup> will be stopped up where crossed by the Classified Road to the north of Cledford Lane. New lengths of Footpath (3/A and 3/B), some 80 metres in length, will be provided from the terminal points of the stopped up length, to connect with the eastern and western boundaries, respectively, of the Classified Road taking pedestrians to a safe position to cross the Bypass. This will make for a reasonably convenient alternative route on this long distance Footpath.
- (ii) An 80 metre length of Cledford Lane, where crossed by the Classified Road and its Roundabout connection with Cledford Lane, will be stopped up. Cledford Lane will remain connected with the Classified Road via its Cledford Lane four arm Roundabout junction.

#### **11.4.3**      Private Means of Access to be Stopped Up and New Means of Access

- (i) Three private means of access along Cledford Lane, to development land scrubland (3/b), or to agricultural OS fields 2704 and 0603 (3/a and 3/c, respectively) will be stopped up.
- (ii) New means of access for all three to be stopped up will be provided, for 3/b and 3/c at or in the vicinity of the existing accesses (3/2 and 3/3 being the new means of access). The replacement for stopped up access 3/a, which falls within the path of the Classified Road Cledford Lane Roundabout, will be positioned just to the east of the Roundabout off the south side of Cledford Lane (3/1).
- (iii) In addition, a further new means of access will be provided (3/4), to the east of the Cledford Lane Roundabout and off the north side of Cledford Lane, to agricultural land (OS field 2622) severed to the east of the Bypass.
- (iv) Minor alteration/land regrading works will take place on the land of the new means of access to provide for their suitable connection with Cledford Lane.

### **11.5      Cledford Lane and Private Means of Access Alterations (Site Plan No. 4)**

#### **11.5.1**      Highways to be Improved

- (i) Cledford Lane, from a point some 110 metres south west of the Sandbach to Northwich Railway bridge crossing of Cledford Lane, north eastwards to the

Cledford Lane Roundabout of the Bypass (on Site Plan No. 3) will be improved. Improvement works will comprise incorporation of a segregated Cycle tTrack (with a right of way on foot), carriageway improvements, highway drainage improvements, and introduction of passing places.

#### 11.5.2 Private Means of Access to be Stopped Up and New Means of Access

- (i) Along the length of improved Cledford Lane a number of residential and agricultural Private Means of Access will be stopped up and reprovided at the the highway boundaries of the improved Cledford Lane. Minor alteration/land regrading works will take place on the land of the new means of access to provide for their suitable connection with Cledford Lane.
- (ii) Access to Cledford Villa is stopped up (4/a) and new means of access reprovided in the same location (4/1).
- (iii) Access to Cledford House is stopped up (4/b) and reprovided in the same location (4/2).
- (iv) Access to agricultural field located to the west of the site of the former and demolished Cledford Hall on the north side of Cledford Lane is stopped up (4/c) and a new means of access reprovided some 34 metres east of its current location (4/3).
- (v) Access to tree planted scrubland/development land on the north side of Cledford Lane, some 147 metres east and opposite 'Brookfield', is stopped up (4/d) and reprovided in the same location (4/4).
- (vi) Access to agricultural land (to OS Field Number 9002) on the south side of Cledford Lane, some 148 metres east of 'Brookfield', is stopped up (4/e) and reprovided a few metres west of its current location (4/5).

### 11.6 **Public Right of Way and Private Means of Access Alterations (Site Plan No. 5)**

#### 11.6.1 Highways to be Stopped Up

- (i) A 232 metres length of Middlewich Footpath 20 will be stopped up, from a point some 170 metres west of the western boundary of the Bypass to a point 3 metres east of the eastern boundary of the Bypass.

#### 11.6.2 New Highways

- (i) Stopped up Middlewich Footpath 20 will be replaced by an approximate 170 metre length of new Footpath (5/B) connecting with the western boundary of the Bypass and an approximate 65 metres length of new Footpath (5/A) connecting with the eastern boundary of the Bypass, taking the Footpath connections to the north of its existing alignment to enable pedestrians to cross the Bypass at a suitable and a safe location.

### **11.6.3     New Means of Access**

- (i) A new Private Means of Access to agricultural land (OS Field Number 1284) which will be severed by the Scheme will be provided off the east of the Bypass (5/1), to the south of Middlewich Footpath 20, extending off an integral access track of the Bypass which runs to an integral highway attenuation pond/drainage system. The western severed land holding will continue to be served by an existing private access.

## **11.7     Booth Lane Alterations (Site Plan No. 6)**

### **11.7.1     Highways to be Improved**

- (i) Lengths of the A533 Booth Lane will be improved – at the south easterly tie in of the Bypass; on the south easterly approach along Booth Lane, to a point north west of East Tetton Cottages, where the new Link Road over the Trent and Mersey Canal to connect with the Bypass southernmost Roundabout junction ties in, and north westwards along Booth Lane from its junction with Tetton Lane, to its new north westernmost termination point, where carriageway resurfacing will take place.

### **11.7.2     Highways to be Stopped Up**

- (i) A 95 metres length of the A533 Booth Lane north westwards from south east of the access to 1 East Tetton Cottages will be stopped up. The new highways described below will provide the alternative routes for this stopping up.
- (ii) A 139 metres length and part width of the A533 Booth Lane north westwards from just south east of the junction with Moston Footpath 6, to Tetton Bridge, will be stopped up.

### **11.7.3     New Highways**

- (i) A new highway connection off the Bypass southernmost Roundabout, at its northern arm connection, will be constructed into the site of a the cleared/former RHM Foods site (6/A)
- (ii) A new highway link road from the A533 Booth Lane, north west of East Tetton Cottages, to connect with the new southernmost Roundabout of the Bypass on the east side of the Trent and Mersey Canal, will be constructed (6/C)
- (iii) A new Cycle Track (with a right of way on foot) will be constructed (6/B) over the stopped up length of the A533 Booth Lane referred to in 11.7.2 (i) above, together with a new length of cul-de-sac turning all-purpose highway (6/D), which will provide the new north west termination point for the A533 Booth Lane.
- (iv) A new Cycle Track (with a right of way on foot) will be constructed (6/E) to connect with the cul-de-sac termination point of the A533 Booth Lane and the

western tow path of the Trent and Mersey Canal.

- (v) A new link road eastwards from the junction of Tetton Lane, just south of Tetton Bridge Cottage, to connect with the Bypass will be constructed (6/F).
- (vi) A new Cycle Track (with a right of way on foot) will be constructed (6/G) over the stopped up length of the A533 Booth Lane referred to in 11.7.2 (ii) above.

#### **11.7.4 Private Means of Access to be Stopped Up and New Means of Access**

- (i) The gated access to No. 1 East Tetton Cottages will be stopped up (6/a) and a new means of access provided off the east side of the A533 Booth Lane (6/1), some 20 metres south east of the position of the existing access.
- (ii) A 118 metres length of the north western terminal length of the private access road known as Tetton Lane (into the cleared/former RHM Foods site) will be stopped up (6/b) and a new means of access (6/2) will be provided off the new highway connection off the Bypass southernmost Roundabout, as its northern arm connection, referred to in 11.7.3 (i) above.
- (iii) A 170 metres length of the arced access road, extending off the private access road known as Tetton Lane and which provided access to the now demolished property 'Bowfields' will be stopped up (6/c). A replacement access will not be provided to this area, which is to become an offsite attenuation/drainage pond, which will be accessed off the remaining length of the Tetton Lane private access.
- (iv) An access to grassland/scrubland situated between the Trent and Mersey Canal and the access road known as Tetton Lane will be stopped up (6/d). A replacement access is unnecessary under the Scheme as this land remains undeveloped/unused at the present. The Acquiring Authority, who already own the land, will be able to take access off the remaining Tetton Lane access, until any need for an alternative access may later come about.
- (v) A 155 metres length of access track off the Tetton Lane access track, to the former New Farm (now demolished) will be stopped up (6/e). A replacement access is unnecessary as this area of land, premises, will be absorbed within the Scheme works and retain access to it off the remaining length of Tetton Lane access track.
- (vi) A 23 metres length of access track, co-existent with a same length of Moston Footpath 6, eastwards off the A533 Booth Lane will be stopped up (6/f). A replacement means of access (6/3) will be provided at the new eastern boundary of the Bypass, where it ties in to the improved A533 Booth Lane here.

### **11.8. Side Roads Order Summary**

- 11.8.1. The Acquiring Authority is satisfied that where highways are to be stopped up, as a consequence of the Bypass works, other reasonably convenient routes for those highways will be provided under the Bypass Scheme, allowing the



Secretary of State for Transport to satisfy himself on that matter under Section 14(6) of the Highways Act 1980, in his consideration of confirmation of the Side Roads Order.

- 11.8.2. The Acquiring Authority is also satisfied that where private means of access to premises are to be stopped up under the Side Roads Order, that it is providing another reasonably convenient means of access to the relevant premises under the Scheme, where such premises are to remain, and otherwise that in other instances no access to the premises is reasonably required because such premises are to become absorbed within the Scheme lands, allowing the Secretary of State for Transport to satisfy himself on that matter under section 125(3) of the Highways Act 1980, in his consideration of confirmation of the Side Roads Order.
- 11.8.3. Additionally, where the Bypass Scheme severs land, the Acquiring Authority has addressed the need to provide new means of access to severed land where necessary and where not otherwise served by existing means of access to such land.

#### **11.9. The Need for a Bridge Scheme**

- 11.9.1. A Bridge Scheme is made pursuant to section 106(3) of the Highways Act 1980 and is required to provide the Council with authority to construct a bridge which is to carry a proposed highway, the proposed Link Road from the A533 Booth Lane across the Trent and Mersey Canal to the southernmost Roundabout junction of the Bypass, over the navigable waters of the Trent and Mersey Canal.
- 11.9.2. In this Scheme, the navigable waterway is the Trent and Mersey Canal, for which the Canal and River Trust (CRT) is the statutory Navigation Authority.
- 11.9.3. In its statutory remit of Navigation Authority, CRT is statutorily consulted on the Bridge Scheme, along with the Environment Agency, whose aims will be to ensure that there are no negative impacts on rights of navigation. The Bridge Scheme sets out the necessary bridge design and clearances to show its affects upon the navigable waters.
- 11.9.4. Representations can be made against a bridge scheme but they are limited to matters that concern the impacts on rights of navigation. As such, the only likely parties to make representations to the Bridge Scheme are the Navigation Authority and the Environment Agency and those who may have an interest as a navigable waterway user. The Acquiring Authority has, during development of the Scheme, consulted with CRT and the Environment Agency on the design of the Bridge.
- 11.9.5. The Bridge will have a single clear skew span of 17.645 metres, between the faces of the abutments on the east and west banks of the Canal, and which will clear both the Canal and its towpath on the west bank of the Canal, thereby retaining the current minimum square width of the Canal of 11.7 metres. The minimum headway of the bridge is 3.26 metres over the top water level of the Canal, and 2.7 metres over the towpath on the west bank of the Canal.

11.9.6. The Bridge will have an overall width of 19.855 metres and will from its north to south side carry a 0.225 metre wide parapet, a 2.96 metres wide hard verge, a 3 metre wide two-way integral Cycle Track (with a right of way on foot), a 1 metre wide hard verge, a 10 metre wide single carriageway, a 2.445 metres wide paved verge, and a 0.225 metre wide parapet.

11.9.7. As such, rights of navigation are not considered to be impacted.

#### **11.10 Other Matters affecting the Trent and Mersey Canal**

11.10.1 There may be the requirement to temporarily narrow the navigable channel of the Canal in order to safely construct the new Bridge and allow a proper and safe construction of its abutment on the east side of the Canal. Such narrowing will be the subject of authorisation from CRT and will still maintain a navigable channel at all times.

## **12 THE COMPULSORY PURCHASE ORDER**

12.1 The CPO will be submitted to the Secretary of State for Transport for confirmation pursuant to sections 8, 239, 240, 246, 250 and 260 of the 1980 Act and the Acquisition of Land Act 1981.

### **12.2. The Need for the Order Land**

12.2.1. The need for the Scheme and the Scheme objectives are set out in sections 6 and 7 of this Statement.

12.2.2. A description of the Scheme proposals, the effects of the Scheme and how it addresses the established objectives are detailed in sections 7 and 10 of this Statement.

12.2.3. Under the powers contained in section 8, 239, 240, 246, 250 and 260 of the 1980 Act, the Council are acquiring land and rights for the purposes of:

12.2.3.1 the construction and maintenance of the Middlewich Eastern Bypass, the improvement of existing highways, the construction of other highways and provision of new means of access to premises and for use of land in connection with the construction and improvement of highways and provision of new means of access;

12.2.3.2 diversion and extinguishment of drainage/carrying out of drainage works;

12.2.3.3 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.

### **12.3. The Order Land**

12.3.1. The Order Land has a total area of 52.3 hectares of land across the Borough of Cheshire East the Borough of Cheshire West and Chester. This comprises land over which title required and land where new rights over land are required for the purposes stated in sections 12.4 and 12.5.

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

<b>Existing Land Use</b>	<b>Area Required by Scheme</b>	<b>%</b>
Agricultural Land	42.3 hectares required	81%
Non-Agricultural Land	4.2 hectares required	8%
Industrial Land	3.5 hectares required	7%
Existing Highway	2.2 hectares required	4%

*Table 5: Breakdown of existing land use*

### **12.4. Description of Land Required for Title by Plot Reference**

12.4.1. Magnitude Land LLP – Plots 2 and 3

12.4.1.1. This section comprises of 1.72 hectares of agricultural land, hedgerow, adopted highway and private access track. It is required for main carriageway, new roundabout off Pochin Way, attenuation pond and working areas for the Scheme.

12.4.1.2. The entirety of this land is included in the LPS 44 (Midpoint 18) allocation. Plot 2 is included within an undetermined planning application under reference 17/0209C for the construction of a 160,400 sq ft (14,902 sq m) warehouse building. [insert comments from Planning Department as to why this has not been determined].

12.4.1.3. Plot 2 is also included within an undetermined planning application for a Certificate of Appropriate Alternative Development under reference number 21/4873C for the construction of a 160,400 sq ft (14,902 sq m) warehouse building. This application was registered on 16 September 2021 with a target decision date of 11 November 2021.

12.4.1.4. These plots are held by way of a 999 year lease dated 31 October 2016 between Pochin Midpoint Limited (as landlord) and DBS Pochin LLP (now Magnitude Land LLP) (as tenant) for a term of 999 years from 1 January 2016 at a Peppercorn rent.

12.4.2. Adopted Highway – Plots 3, 4, 7, 32, 53, 56, 64, 94, 120, 122 and 123

12.4.2.1. These sections comprise of 2.40 hectares of adopted highway. Where subsoil interests are going to be impacted, the ad medium filum presumption has been adopted and the freehold owners of the adjacent land have been presumed to own the subsoil up the centre line of the adopted highway.

12.4.3. Pochin Midpoint Limited – Plots 2 and 3

12.4.3.1. This section comprises of 1.72 hectares of adopted highway, woodland and agricultural land required for the re-alignment of Pochin Way, new roundabout off Pochin Way, main carriageway and working areas.

12.4.3.2. These plots represent the residual freehold interests a 999 year lease held by Magnitude Land LLP at a peppercorn rent (noted separately).

12.4.4. Pochin Land & Development Limited (In Administration) and Pochin Developments Limited (In Administration) – Plots 4, 5, 6, 7, 11, 12, 12a, 31, 41, 50 and 64

12.4.4.1. This section comprises of 0.81 hectares of adopted highway, woodland and agricultural land required for the re-alignment of Pochin Way, new roundabout off Pochin Way, main carriageway, realignment of Cledford Lane and working areas.

- 12.4.4.2. These plots represent minor sections of the residual freehold interests to the Midpoint 18 Business Park and LPS 44 (Midpoint 18). The majority of these interests are subject to 999 year leases at peppercorn rents (noted separately) with the balance of the land comprising of minor residual parcels of land left over from prior development activity and associated land transfers with no specific current use (also noted separately).
- 12.4.5. CIFV V – GB1B02 LLC and Optima Logistics Limited – Plots 6 and 7
- 12.4.5.1. This section comprises of 0.01 hectares of private access road and adopted highway required for the re-alignment of a private access into a distribution centre known as Unit 33 Midpoint 18. The land requirement is located outside of the operational area of the distribution centre. One side of the private access road will be retained open at all times during construction to ensure the safe and continued access to the distribution centre and this will be discussed and agreed with the occupier in full.
- 12.4.5.2. The interest is held by way of a 999 year lease dated 28 September 2000 between Pochin (Design and Build) Limited (as landlord) and Prologis UK XLVI SARL (now CIFV V – GB1B02 LLC) (as tenant) for a term of 999 years from 28 September 2000 at a Peppercorn rent.
- 12.4.5.3. The distribution centre is occupied by way of a lease dated 30 January 2015 between Prologis UK XLVI SARL (now CIFV V – GB1B02 LLC) (as landlord) and Optima Logistics Limited and Optima Logistics Foundation Limited (as tenant) for a term of 10 years from 1 February 2015.
- 12.4.6. Cheshire East Borough Council – Plots 10, 17, 53, 56, 63, 75, 77, 82, 92, 95, 98, 106, 108, 114 and 118
- 12.4.6.1. These plots of land comprise of 15.70 hectares of agricultural land interspersed with field ponds and hedgerows, brownfield development land, overgrown scrub land, wooded areas, a residential property and adopted highway, which are subject to rights and charges to third parties. The majority of these plots are included in LPS 44 (Midpoint 18) allocation.
- 12.4.6.2. The majority of this land is required for main carriageway, bridge spanning the Trent and Mersey Canal, re-alignment of Cledford Lane, re-alignment of Booth Lane, working areas, landscaping and ecological mitigation together with drainage for the Scheme, flood plain compensation and electricity diversions.
- 12.4.6.3. Plots 10 and 17 are owned by the Acquiring Authority pursuant to a transfer dated September 2001 and provide a wooded area and agricultural land. Albeit that these plots have been acquired by the Council pursuant to this agreement, the property is subject rights and charges to third parties.
- 12.4.6.4. Plots 53, 56 and 63 are owned by the Acquiring Authority pursuant to a transfer dated 29 December 1960 and comprise of adopted highway. Albeit that these

plots have been acquired by the Council pursuant to this agreement, the property is subject rights and charges to third parties.

- 12.4.6.5. Plots 75, 77, 92, 95, 106 and 118 are owned by the Acquiring Authority pursuant to transfer dated 18 December 2020 and comprise of agricultural land interspersed with field ponds and hedgerows, brownfield development land, overgrown scrub land and adopted highway known as Booth Lane. Albeit that these plots have been acquired by the Council pursuant to this agreement, the property is subject rights and charges to third parties.
- 12.4.6.6. Plots 82, 108 and 114 are owned by the Acquiring Authority pursuant to transfer dated 5 June 2006 and comprise of brownfield development land and agricultural land. Albeit that these plots have been acquired by the Council pursuant to this agreement, the property is subject rights and charges to third parties.
- 12.4.6.7. Plot 98 is owned by the Acquiring Authority pursuant to transfer dated 7 May 2020 and comprise of a vacant end terrace dwelling. Albeit that this plot has been acquired by the Council pursuant to this agreement, the property is subject to charges to third parties.
- 12.4.6.8. As such, these plots are still included within the Order to facilitate the use of Section 260 of the 1980 Act, in that there are third party rights and charges that could jeopardise the delivery of The Scheme. In order to provide a cleansed title to the land and not stymie development in any way, these plots have been included despite the Acquiring Authority's ownership of them.
- 12.4.7 David Lovell Griffiths – Plots 14, 15, 15a, 15c, 15d, 15e, 15j, 15k, 15o, 15q, 15s, 16a, 16b and 21
- 12.4.7.1. This section comprises of 9.26 hectares of agricultural land interspersed with field ponds and hedgerows together with the eastern bank of a section of the River Croco. It is required for main carriageway, working areas, construction compound for the northern section of the Scheme, landscaping and ecological mitigation.
- 12.4.7.2. It forms part of a farm holding which is made up approximately 108 hectares of agricultural land including a farmhouse.
- 12.4.7.3. Plots 14, 15, 16a and 16b are allocated as agricultural land and extraction of minerals under the Cheshire West & Chester Council Local Plan (adopted January 2015). The remaining plots (6.87 hectares) are included in the LPS 44 (Midpoint 18) allocation.
- 12.4.7.4. The Plots 15j, 15k, 15o, 15q, 15s and part of Plot 21 are subject to an Option Agreement dated 28 January 2020 between David Lovell Griffiths and Magnitude Land LLP and Pochin Midpoint Limited.
- 12.4.7.5. A section of Plot 21 is subject to an approved planning application for the construction of 42,672 sq m of B1, B2 and B8 premises under planning application

reference 20/0901C. This planning application was approved in April 2021 and corresponds with the design and alignment of the Scheme to ensure that both schemes are mutually inclusive.

12.4.8. Unknown – Plots 18, 32, 91, 94, 99, 100, 113, 119, 120, 122 and 123

12.4.8.1. These plots comprise of 2.21 hectares of adopted highway, private access track, riverbed, brownfield development land, part of a garage adjacent to a residential property within the Council's ownership and hedgerow. They are required for main carriageway, re-alignment of Cledford Lane, including the creation of a combined cycle footway, re-alignment of Booth Lane and ecological mitigation. The ownership of this land is unknown.

12.4.9. Kettley International Limited and Richard Hocknell – Plots 30, 38, 46, 51, 66 and 73

12.4.9.1. This section comprises of 8.46 hectares of agricultural land interspersed with field ponds and hedgerows and a section of Sandersons Brook. It is required for main carriageway, the roundabout at Cledford Lane, re-alignment of Cledford Lane, working areas, landscaping and environmental mitigation.

12.4.9.2. It forms part of a larger development parcel extending to more than 45 hectares which is included in the LPS 44 (Midpoint 18) allocation and subject to an Option Agreement dated 31 October 2016 between Pochin Land and Development Limited (now Kettley International Limited) and DBS Pochin LLP (now Magnitude Land LLP).

12.4.9.3. Richard Hocknell is the Licensee in respect to Plots 38, 46, 66 and 73. The land is occupied under a Grazing Licence.

12.4.10. Caprev Middlewich Limited and GOL Realisations Ltd – Plot 31

12.4.10.1. This section comprises of 0.37 hectares of agricultural land and highway verge required for main carriageway, the roundabout at Cledford Lane, re-alignment of Cledford Lane, landscaping, environmental mitigation and working areas.

12.4.10.2. It forms part of a logistics distribution centre known as Unit MW353, Unit 75 ERF Way. The land requirement is located outside of the operational area of the distribution centre.

12.4.10.3. The interest is held by way of a 999 year lease dated 11 August 2006 between Pochin Developments Limited (as landlord) and PP75 Limited (now Caprev Middlewich Limited) (as tenant) for a term of 999 years from 11 August 2006 at a Peppercorn rent.

12.4.10.4. The distribution centre is occupied by way of a lease dated 16 November 2018 between Caprev Middlewich Limited (as landlord) and Go Outdoors Limited (now GOL Realisations Limited) (as tenant) for a term of 5 years from 16 November

2018.

12.4.11. British Salt Limited – Plot 36

12.4.11.1 This section comprises of 0.01 hectares of scrubland and highway verge located adjacent to the adopted highway known as Cledford Lane. It is required for temporary working areas.

12.4.12. Total Developments (NW) Limited – Plots 37 and 44

12.4.12.1. This section comprises of 0.01 hectares of agricultural land required for the re-alignment of Cledford Lane and working areas.

12.4.12.2. The entirety of this land is included in the LPS 44 (Midpoint 18) allocation.

12.4.12.3. The interest is held by way of a 999 year lease dated 20 October 2014 between Pochin Land and Development Limited (as landlord) and Orrisdale Services Limited (now Total Developments (NW) Limited) (as tenant) for a term of 999 years from 20 October 2016 at a Peppercorn rent.

12.4.13. Holt Family – 76a, 76b, 76c, 76d 80, 89, 107, 115 and 124

12.4.13.1. This section comprises of 6.06 hectares of agricultural land interspersed with field ponds and hedgerows. It is required for main carriageway, a construction compound at the southern section of the Scheme, working areas, landscaping and ecological mitigation.

12.4.13.2. The entirety of the site forms part of the LPS 44 (Midpoint 18) allocation.

12.4.14. Kenneth Jackson – Plot 97

12.4.14.1. This section comprises of 0.05 hectares of agricultural land required for the realignment of Booth Lane and working areas.

12.4.15. Wils Grove Developments Limited – Plot 97

12.4.15.1. This section comprises of 4.98 hectares of brownfield development land required for a temporary site compound and working areas.

12.4.15.2. The interest is subject to a lease dated 18 December 2020 between Wils Grove Developments Limited (as landlord) and Cheshire East Borough Council (as tenant) for a term expiring 30 September 2025. The lease is subject to a tenant only option to extend the term for a further 18 months. Although this plot has been acquired on a temporary basis by the Council pursuant to this agreement, it is subject rights and charges to third parties.

12.4.16. Robert John Sheffield, Elizabeth Anne Timmis and William Nield – Plot 128



- 12.4.16.1. This section comprises of 0.08 hectares of agricultural land required for the realignment of Booth Lane and working areas. The entirety of this land is occupied by William Nield under an undocumented agricultural tenancy which is governed by the Agricultural Holdings Act 1986.

## **12.5. Description of Land Required for Rights by Plot Reference**

- 12.5.1. The Order Land includes land over which new rights are required, shown shaded blue on the Order Map, being Plots 1, 8, 9, 13, 15b, 15f, 15g, 15h, 15m, 15n, 15p, 15r, 16, 19, 20, 23, 24, 25, 27, 28, 29, 29a, 61, 72, 74, 76, 78, 79, 81, 84, 85, 86, 87, 103, 104 and 121. These rights are set out in more detail in Part 1 of the Order Schedule and are summarised below:

- a) A general right of access and construction, allowing surveys, making good of properties and enabling safe working practices to be followed on adjoining land;
- b) Rights to oversail land for the purposes of construction;
- c) Rights to use scaffolding, including cradle scaffolding for maintenance, inspection and repair of bridge structures;
- d) Rights in respect of service media;
- e) A right to amend access and egress routes, needed to facilitate safe working practices during development;
- f) A right to construct a new access or accesses;
- g) A right to carry out future inspections and maintenance;
- h) A general right to carry out condition surveys on foot, to ensure safe working practices can be accorded with and to document the condition of properties before, during and after development, if so necessary;
- i) Rights in relation to deliveries, needed for construction of the Scheme or in order to accord with safe working practices;
- j) Rights in relation to the discharge of water;
- k) Rights in relation to the use of barges for construction of the canal bridge;
- l) Rights for access to maintain ecological mitigation features remote from the highway corridor including hedgerows, ponds, landscape planting, created habitat, and grasslands;
- m) The rights to carry out construction works above and around the

railway line and to the permanent right to the airspace through which the bridge structure sits;

- n) The right to install a temporary crossing of the railway for use during the construction of the Scheme;
- o) The right to carry out construction works above and around the canal in connection with the construction of a new road bridge and to the permanent right to the airspace through which the bridge structure sits;
- p) The right of access with or without vehicles, plant and machinery over the canal towpaths;
- q) The permanent right to access the land around and under bridge structures and the bridge itself for the purposes of inspection, repair, maintenance and reconstruction; and
- r) The right to use the road crossing a bridge for the purpose of a public highway.

12.5.2. Pochin Midpoint Limited and Magnitude Land LLP – Plot 1

- 12.5.2.1. Rights over Plot 1 are required to provide access to construction for the northern section of the Scheme and access for shrub planting and maintenance for ecological mitigation along the River Croco corridor.

12.5.3. Kettley International Limited and Richard Hocknell – Plots 8, 29, 29a, 61, 70, 72, 74 and 79

- 12.5.3.1. Right over Plots 8, 29, 29a, 61, 70, 72, 74 and 79 are required to provide access to the construction compound serving the northern section of the Scheme, provide access to undertake hedgerow improvements and provide access to ecological mitigation areas.

12.5.4. Stephen Lea – Plot 9

- 12.5.4.1. Right over Plot 9 is required to provide access to the construction compound serving the northern section of the Scheme and to provide access to ecological mitigation areas.

12.5.5. Pochin Developments Limited (In Administration) – Plot 13

- 12.5.5.1. Right over Plot 13 is required for a drainage outfall and associated working areas.

12.5.6. David Lovell Griffiths – Plots 15b, 15f, 15g, 15h, 15m, 15n, 15p, 15r, 16, 20, 23, 24 and 25

- 12.5.6.1. Rights over Plots 15b, 15f, 15g, 15h, 15m, 15n, 15p, 15r, 16, 20, 23, 24 and 25 are required for access to the construction compound serving the northern section of the Scheme, access to ecological mitigation areas, access for erecting and maintaining bat and bird boxes and kingfisher tunnels along the River Croco corridor, to provide access to undertake hedgerow improvements, and to provide access for the long-term maintenance of planting and landscape elements of the scheme.
- 12.5.7. Kinderton Developments Limited, Kinderton LLP, David Lovell Griffiths and Andrew Michael Willis – Plot 19
- 12.5.7.1. Rights over Plot 19 are required to access for erecting and maintaining bat and bird boxes along the River Croco corridor.
- 12.5.8. Pochin Land & Development Limited (In Administration), Caprev Middlewich Limited and GOL Realisations Limited – Plot 27
- 12.5.8.1. Rights over Plot 27 are required to access for shrub planting and maintenance for ecological mitigation along the River Croco corridor and to provide access to undertake hedgerow improvements. The rights required are outside the operational boundary of the distribution facility which makes up the wider interest.
- 12.5.9 Unknown – Plot 28
- 12.5.9.1. Rights over Plot 28 are required to access for shrub planting and maintenance for ecological mitigation along the River Croco corridor
- 12.5.10. Holt Family – Plot 76, 81 and 85
- 12.5.10.1. Rights over Plots 76, 81 and 85 are required to provide access to ecological mitigation areas and to undertake hedgerow improvements and management.
- 12.5.11. Cheshire East Council – Plots 78 and 84
- 12.5.11.1. Rights over Plots 78 and 84 are required to provide access to undertake hedgerow improvements.
- 12.5.12. Railway Rights – Plot 86 and 87
- 12.5.12.1. Rights over Plot 86 and 87 are required for a bridge housing the main carriageway over the Sandbach to Middlewich Railway Line and as a temporary Road Rail Access Point for access across the railway during the construction phase. A permanent right to use the airspace of the bridge is included here, from a point above ordnance datum levels.
- 12.5.13. Canal Rights – Plots 103, 104 and 121

- 12.5.13.1. Rights over Plots 103, 104 and 121 are required for a bridge housing the main carriageway over the Trent and Mersey Canal and to access an existing bridge for the purposes of undertaking upgrade works. A permanent right to use the airspace of the bridge is included here, from a point above ordnance datum levels.

## **12.6. Attempts to Acquire by Agreement**

- 12.6.1. 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.
- 12.6.2. In accordance with the Guidance, all owners and occupiers with an interest in land have been approached to ask if they would be prepared to enter into negotiations with the Acquiring Authority for the purchase of their respective interests in land and/or the grant of new rights in favour of the Acquiring Authority.
- 12.6.3. Detailed negotiations are taking place with a number of landowners and occupiers, however, the Acquiring Authority has concluded that acquisition by agreement is unlikely to occur in all cases or, in any event, within sufficient time to ensure that the programme for the construction of the Scheme is met. There are also some interests where the owner is unknown and, therefore, it will not be possible to acquire the interest except by way of compulsory acquisition.
- 12.6.4. Discussions will continue with owners of relevant interests and new rights required, in an endeavour to secure them by agreement, wherever possible, with a view to limiting the number of interests that need to be acquired compulsorily. The approach adopted by the Acquiring Authority is in accordance with the policy advice and recognised good practice.
- 12.6.5. Where the Acquiring Authority has been unable to reach agreement with landowners and occupiers it will offer alternative dispute resolution to enable agreement on compensation to be reached. The Acquiring Authority will also offer information on the Scheme, a case manager, assistance in relocation (wherever necessary), and reassurance on fees.
- 12.6.6. The CPO will be made to secure the outstanding interests and rights required to enable implementation of the Scheme, necessary to achieve the Acquiring Authority's objectives for the area.
- 12.6.7. The Acquiring Authority has entered into negotiations with landowners affected or has offered to do so with a view to agreeing voluntary terms of acquisition, but it is also necessary to seek authority for compulsory purchase to ensure that all land required for the Scheme can be available at the appropriate time to enable the Scheme to proceed and which is in the public

interest.

## **12.7 Negotiations with Affected Landowners**

12.7.1 The Acquiring Authority has sought to engage in private treaty negotiations with landowners and occupiers directly affected by the Scheme. Brief details of the negotiations that have been undertaken to date are further outlined below.

### **12.7.1.1 Magnitude Land LLP – Plots 1, 2 and 3**

12.7.1.1.1 The Acquiring Authority is currently in negotiation with the long leaseholder, Magnitude Land LLP, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

### **12.7.1.2 Pochin Midpoint Limited – Plots 1, 2 and 3**

12.7.1.2.1 The Acquiring Authority has been in active discussions with the freeholder, Pochin Midpoint Limited, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

### **12.7.1.3 Pochin Land & Development Limited (In Administration) and Pochin Developments Limited (In Administration) – Plots 4, 5, 6, 7, 11, 12, 12a, 13, 27, 31, 41, 50 and 64**

12.7.1.3.1 Following a period of negotiation with the freehold owner, Pochin Land & Development Limited (In Administration) and Pochin Developments Limited (In Administration), an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the Order.

### **12.7.1.4 CIFV V – GB1B02 LLC and Optima Logistics Limited – Plots 6 and 7**

12.7.1.4.1 The Acquiring Authority is in negotiations with the long leaseholder, CIFV V – GB1B02 LLC, and occupational tenant, Optima Logistics Limited, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

### **12.7.1.5 David Lovell Griffiths – Plots 14, 15, 15a, 15b, 15c, 15d, 15e, 15f, 15g, 15h, 15j, 15k, 15m, 15n, 15o, 15p, 15q, 15r, 15s, 16, 16a, 16b, 20, 21, 23, 24 and 25.**

12.7.1.5.1 The Acquiring Authority is in negotiations with the freeholder, David Lovell Griffiths, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

### **12.7.1.6 Kettley International Limited – Plots 8, 29, 29a, 30, 38, 46, 51, 61, 66, 70, 72, 73, 74 and 79.**

12.7.1.6.1 The Acquiring Authority is currently in negotiation with the freeholder owner,

Kettley International Limited, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

12.7.1.7 Stephen Lea – Plot 9

12.7.1.7.1 The Acquiring Authority is in advanced negotiation with the freeholder, Stephen Lea, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

12.7.1.8 Kinderton Developments Limited, Kinderton LLP, David, Lovell Griffiths and Andrew Michael Willis – Plot 19

12.7.1.8.1 The Acquiring Authority is currently in contact with the freeholder, Kinderton Developments, and long leaseholders, David Lovell Griffiths, Andrew Michael Willis, Kinderton Developments Limited and Kinderton LLP, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

12.7.1.9 Caprev Middlewich Limited and GOL Realisations Limited – Plots 27 and 31

12.7.1.9.1 The Acquiring Authority is currently in negotiation with the long leaseholder, Caprev Middlewich Limited, and the occupational tenant, GOL Realisations Limited, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

12.7.1.10 British Salt Limited – Plot 36

12.7.1.10.1 The Acquiring Authority is currently in negotiation with the freeholder, British Salt Limited, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

12.7.1.11 Total Developments (NW) Limited – Plots 37 and 44

12.7.1.11.1 Following a period of negotiation with the long leaseholder and reputed freeholder, Total Developments (NW) Limited, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the Order.

12.7.1.12 Holt Family – Plots 76, 76a, 76b, 76c, 76d, 80, 81, 85, 89, 107, 115 and 124

12.7.1.12.1 Following a period of negotiation with the freeholders, Lynda Holt, Toby Holt and Sophie Killey, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the Order.

12.7.1.12.2 With reference to Section 2.5, should planning applications 21/2044C and 21/2073C be approved by the Local Planning Authority, it is the intention of the Acquiring Authority to write to the Secretary of State requesting removal of Plot 76d from the Order on the basis that it would no longer be required for the delivery of the Scheme.

- 12.7.1.13      Network Rail – Plots 86 and 87
- 12.7.1.13.1      Following a period of negotiation with the freeholder, Network Rail, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the Order.
- 12.7.1.14      Kenneth Jackson – Plot 97
- 12.7.1.14.1      The Acquiring Authority is currently in negotiation with the freeholder, Kenneth Jackson, and active discussions are taking place to reach an agreement prior to confirmation of the Order.
- 12.7.1.15      Canal and Rivers Trust – Plots 103, 104 and 121
- 12.7.1.15.1      Following a period of negotiation with the freeholder, Canal and Rivers Trust, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the Order.
- 12.7.1.16      Robert John Sheffield, Elizabeth Anne Timmis and William Nield – Plot 128
- 12.7.1.16.1      Following a period of negotiation with the freeholders, Robert John Sheffield and Elizabeth Anne Timmis, and tenant, William Nield, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the Order.

## **12.8              Special Consideration affecting the Order Land**

- 12.8.1              There are no listing or locally listed buildings, monuments or areas of historical significance within the Order Land.
- 12.8.2              There are no buildings in a conservation area that will be demolished as a result of the Scheme being delivered.
- 12.8.3              The Scheme does not require any common land.

## **12.9              Property Demolition**

- 12.9.1              Demolition of the following properties will be required to deliver the Scheme:
- 12.9.1.1. A free-standing garage building associated with the residential property No 1 East Tetton Cottages.
- 12.9.2.              All property for demolition is in the ownership of the Acquiring Authority having been acquired for the purposes of delivering the Scheme.

## **12.10            Related Orders**

- 12.10.1.           Other than the SRO and the Bridge Scheme for the crossing of the Trent and Mersey Canal, which are 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.

## **12.11 CPO Summary**

- 12.11.1. This document demonstrates how the Acquiring Authority justifies its proposals for the compulsory acquisition of land required to deliver the Scheme.
- 12.11.2. Sections 2 and 4-8 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.
- 12.11.3. 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 Acquiring Authority.
- 12.11.4. The funding and planning approvals are also in place and there are no other impediments to the progression of the Scheme.
- 12.11.5. Accordingly, on confirmation of the CPO all elements will be in place to enable the Scheme to proceed to construction.



### **13 EFFECTS ON LAND USE AND AGRICULTURE**

- 13.1. 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.
- 13.2. The Scheme will affect four 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.
- 13.3. The total land take for the Scheme is 52.3 hectares of which 42.3 hectares is agricultural land as shown in section 12.3 Table 5.
- 13.4. The agricultural land comprises the permanent loss of 4.7 hectares of Grade 4 agricultural land, 12.4 hectares of Grade 3a agricultural land and 22.7 hectares of Grade 3b agricultural land.
- 13.5. Rights are required over 0.1 hectares of Grade 4 land, 0.5 hectares of Grade 3a land and 2.6 hectares of Grade 3b land.
- 13.6. 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.
- 13.7. 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 compensation.
- 13.8. 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 Cheshire East Local Plan.
- 13.9. The impacts on the agricultural land interests due to land take have been assessed as insignificant adverse.
- 13.10. 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.

## **14 SPECIAL CATEGORIES OF LAND**

- 14.1. 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.
- 14.2. The Order Land includes land that has been acquired by statutory undertakers for the purposes of their undertaking. In accordance with Section 16 of the Acquisition of Land Act 1981, any acquisition of such special category land could result in a separate and additional power in favour of statutory undertakers to make representations to their Minister and, until such an objection is withdrawn, no order can be confirmed. Section 16(2) allows the confirmation of an order notwithstanding the presence of an extant objection if the Secretary of State for Business, Energy and Industrial Strategy is satisfied that the land in question can either be purchased without serious detriment to the carrying on of the undertaking, or that replacement land can be given.
- 14.3. Utility companies with utility assets likely to be affected by the Scheme have been identified and consulted on the Scheme proposals. Under the New Roads and Street Works Act 1991, utility companies were consulted at several stages in the development of the scheme.
- 14.4. The Order Land includes land within the ownership of Network Rail and the Canal and River Trust (CRT). Private agreements with both statutory undertakers are at an advanced stage and it is not foreseen that there will be a necessity to implement powers of compulsory purchase in relation to these land interests.
- 14.5. The Order Land includes land over which the Department for Food, Environment and Rural Affairs (Defra) holds the benefit of an interest. CRT has made contact with Defra and the response is expected by the time that any local Public Inquiry will be heard. It is fully expected that Defra will give consent.

## **15 THE PLANNING POSITION**

### **15.1 Introduction**

15.1.1. This section 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 Local Planning Authority reached in the determination of the application.

15.1.2. National, sub-regional, and local policy and planning policy considerations are given in Section 8.

### **15.2 Planning Applications**

15.2.1. 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.

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

15.2.3. A planning application for “Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the ‘Middlewich Eastern Bypass’, together with associated highway and landscaping works” was submitted to the Council on 16 November 2018, validated on 22 November 2018 and given the reference number 18/5833C.

15.2.4. A parallel planning application for “Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the ‘Middlewich Eastern Bypass’, together with associated highway and landscaping works” was also submitted to Cheshire West and Chester on 16 November 2018, received and validated on 19 November 2018 and given the reference number 18/04483/FUL.

### **15.3 Other Planning Considerations**

15.3.1. 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.

## **15.4 The Planning Application Determinations**

- 15.4.1. Planning application 18/5833C was the subject of a full consultation programme and was reported to the Council's Strategic Planning Board on 24 April 2019 with a recommendation for approval. The Planning Case Officer report stated:

*15.4.1.1. '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'.*

- 15.4.2. The report also stated that:

*15.4.2.1. '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.*

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

*15.4.2.3. 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'.*

- 15.4.3. 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 29 April 2019 and subject to 32 stated planning conditions.

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

- 15.4.5. Application 18/04483/FUL was determined under Delegated Powers with the scope of the Scheme being minor within the Borough of Cheshire West and Chester.

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

## **15.5 Changes to the Consented Scheme**

- 15.5.1. 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, together with detailed changes to the scope of improvements on Cledford Lane.

15.5.2. Given the scale and extent of the changes, further applications were made as follows:

15.5.2.1. Cheshire East Council

15.5.2.1.1. An application under Section 73 of the Town & Country Planning Act for minor material amendments to the existing consent; and

15.5.2.1.2. A new application for additional areas for environmental mitigation

15.5.2.2. Cheshire West and Chester Council

15.5.2.2.1. An application for a non-material amendment to the existing consent

15.5.3 A section 73 application for “Variation of condition no. 2 (approved plans) on planning approval 18/5833C Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the 'Middlewich Eastern Bypass', together with associated highway and landscaping works” was submitted on 22 May 2020, validated on 27 May 2020, and given the reference number 20/2064C. The application was approved with conditions on 8 October 2020.

15.5.4 A new planning application for “Proposed additional areas associated with the approved road scheme (18/5833C), referred to as the 'Middlewich Eastern Bypass' and consisting of ecological and landscape mitigation and a revised farmer's underpass” was submitted and validated on 29 May 2020 and given the reference number 20/2162C. The application was approved with conditions on 22 October 2020.

15.5.5 An application to Cheshire West & Chester Council for “Non material amendment to 18/04483/FUL - New attenuation pond in northern compound area, removal of bat woodland planting, and minor changes to a Public Right of Way diversion” was submitted on 22 May 2020, and given the reference number 20/01758/NMA. The application was approved on 16 June 2020.

15.5.6 The CPO and all land within the Schedules and shown on the Order Map is that which is required for the delivery of the consented scheme as described and defined by the approvals listed in section 12 above.

15.5.7 A further minor material application was made on each of the Council's consents under Section 73 of the Town and Country Planning Act on 12 April 2021 based upon the mitigation for biodiversity losses associated with the

scheme to be provided offsite, thus reducing direct land take for the delivery of the scheme.

15.5.8 Determination of both applications, reference numbers 21/2044C and 21/2073C, is pending at the time of making of the Orders. Both applications are expected to be determined by the Local Planning Authority under Delegated Powers, with an initial target date for determination of mid-July 2021. Determination is currently anticipated in November 2021.

15.5.9 In the event of applications 21/2044C and 21/2073C being consented it is the intention of the Council to write to the Secretary of State requesting removal of plots of land which are no longer required for the delivery of the scheme.

15.5.10 A full list of current documents under the consented and pending applications is included as Appendix 5.

## **15.6 The Planning Application Implementation**

15.6.1. 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.

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

## **15.7 Planning Summary and Conclusion**

15.7.1. The Scheme is identified as a planning and infrastructure policy priority in the Council's 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.

15.7.2. Whilst determining the Scheme's planning applications, the Local Planning Authorities 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.

15.7.3. 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.

15.7.4.

## **16 SCHEME FUNDING AND FINANCIAL APPROVAL**

### **16.1 Scheme Approval and Financial Provision**

16.1.1. In June 2018 the Council's Cabinet resolved to undertake all necessary preparatory works in advance of the Department for Transport final funding decision in relation to the Scheme.

16.1.2. In January 2019, the Council's 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 Department for Transport 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.

16.1.3. In July 2020, the Council's Cabinet resolved to approve to proceed with the Compulsory Purchase of land required to deliver the Scheme. Following the Cabinet's approval, a Compulsory Purchase Order and Side Roads Order were made, sealed and published in June 2021. Following the publication of the orders it was noted that the orders did not achieve the Acquiring Authority's ambitions for the Scheme and the orders were authorised to be withdrawn by the Highways and Transport Committee on 21 September 2021, with formal non-conformation of those orders being given by the Secretary of State for Transport on 18 October 2021.

16.1.4. Accordingly, on 16 November 2021, the Acquiring Authority's Highways and

Transport Committee (replacing the previous Cabinet of the Acquiring Authority) resolved to the making and submission for confirmation of the CPO, SRO and the Bridge Scheme to facilitate and deliver the Scheme.

## **16.2 Scheme Cost**

- 16.2.1. The Acquiring Authority's overall expenditure on the Scheme is expected to be £74m, including an approved budget of £1.8m for development of the Outline Business Case, which pre-dates the current Scheme.
- 16.2.2. As the project proceeds, there is a requirement for the Acquiring Authority to continue to forward fund the scheme pending successful completion of the Final Business Case.
- 16.2.3. The Acquiring Authority's Medium-Term Financial Strategy, as reported to Cabinet in February 2021, makes provision for this expenditure, where £25.5m is included in the approved Capital Programme and £48.5m in the Addendum, pending completion of the Final Business Case and approval from the Department for Transport.

## **16.3 Funding**

- 16.3.1. Council approved on the 17 February 2021, £25.5 million in the approved programme and £48.5 in the addendum, subject to the Department for Transport Local Majors grant funding approval to the value of £46.78m.
- 16.3.2. The Acquiring Authority is in receipt of confirmation from Government of this capital grant, pending acceptance of a Final Business Case for the Scheme, a pre-requisite of which is confirmation that all necessary land is available for construction of the bypass.
- 16.3.3. At this stage, £7.8m of S106 developer contributions have been secured by signed S106 agreements with developers, which leaves a further requirement of £18.2m to be secured by the Acquiring Authority.
- 16.3.4. The Acquiring Authority will however be required to both forward fund and underwrite the full level of contributions to the Scheme until such time as development takes place and S106 contributions become payable.
- 16.3.5. A signed letter from the Acquiring Authority's S151 Officer guaranteeing the Acquiring Authority's contribution was submitted to the Department for Transport as part of the Outline Business Case.

## **16.4 Economic Benefits of the Scheme**

- 16.4.1. The economic benefits of the Scheme were assessed in detail as part of the Outline Business Case in full compliance with Department for Transport and Treasury guidance.



- 16.4.2. The value for money calculation for the Scheme expressed as the Benefit to Cost Ratio was 2.7, which represents high value for money.
- 16.4.3. It should be noted that the Outline Business Case was produced and submitted prior to adoption of the Council's 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 Benefit to Cost Ratio of 3.5.

## **16.5 Programme**

- 16.5.1. The current programme (subject to planning, confirmation of CPO, SRO and Bridge Scheme, and final funding approvals) is for the main construction works to start in late 2023, with an estimated 22-month construction period.
- 16.5.2. The Acquiring Authority has engaged Balfour Beatty under a two-stage agreement via SCAPE, a public sector owned procurement framework, 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.
- 16.5.3. 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.

## **17 RELATED WORKS, CONSENTS AND PROCEDURES**

### **17.1 Planning Permissions and Other Consents**

- 17.1.1. Planning permissions have been secured from the two Local Planning Authorities within whose domains the Scheme and its environmental mitigation lies as detailed in Section 15.
- 17.1.2. Consents for the diversion of three Public Rights of Way will be secured via the Side Roads Order.
- 17.1.3. Consent to construct the bridge across the Trent and Mersey Canal, being a navigable waterway, will be sought by way of the Bridge Scheme. The Navigation Authority (The Canal and River Trust) and the Environment Agency have been contacted for their confirmation that the design of the bridge does not adversely impact on navigation rights. The EA has agreed this and although no formal response has been received to date from CRT, it was heavily involved in and consulted upon the design of the bridge during the development of the Scheme and its related planning consents.
- 17.1.4. Other consents such as are required for implementation of the Scheme (e.g., environmental consents) will be secured as part of the delivery stage following confirmation of the Order.

### **17.2 Mitigation Licence**

- 17.2.1. Due to the impacts of the Scheme, European Protected Species licences will be required for a number of species including bats, badgers, and lesser silver water beetles. Great Crested Newt mitigation will be implemented through the Natural England District Level Licensing scheme.
- 17.2.2. The proposed extent of the ecological mitigation measures has been agreed with the relevant statutory nature consultees, and full planning permission has been granted. Changes to ecological mitigation embedded in planning applications submitted following the original permissions follows the same approved methodology. As a consequence, it is considered that, for the robust ecological mitigation prepared, the European Protected Species Licences would be granted by Natural England without any difficulty.
- 17.2.3. Discussions with Natural England relating to the District Level Licensing scheme for Great Crested Newts are have been concluded and a licence is in place for early stages of the work.

### **17.3 Water Discharge Consents**

- 17.3.1. 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 Acquiring Authority shall apply and obtain an environmental permit. Consequently, the Acquiring Authority and its advisers have been in

constant consultation with the Environment Agency during the design of the Scheme to date, and its comments and views have been taken into account in the design process to date.

## **17.4 Works Affecting Watercourses**

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

## **18 PUBLIC SECTOR EQUALITY DUTY AND HUMAN RIGHTS ASSESSMENT**

### **18.1 Public Sector Equality Duty**

- 18.1.1. All public sector acquiring authorities are bound by the Public Sector Equality Duty 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:
- 18.1.2.1. eliminate unlawful discrimination
  - 18.1.2.2. advance equality of opportunity between people who share a protected characteristic and those who don't
  - 18.1.2.3. foster or encourage good relations between people who share a protected characteristic and those who don't
- 18.1.2. 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.
- 18.1.3. 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.
- 18.1.4. 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 Public Sector Equality Duty was also considered when the decision was made by the Acquiring Authority to proceed to make the Orders.
- 18.1.5. 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 Public Sector Equality Duty.
- 18.1.6. Having said this, in progressing the Scheme and carrying out any further consultations, the Acquiring Authority will take into account the needs of persons with protected characteristics and the requirements of the Public Sector Equality Duty.

### **18.2 Human Rights**

- 18.2.1. In deciding whether to proceed with the Orders, the Acquiring Authority 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.

- 18.2.2. Article 1 protects the rights of everyone to the peaceful enjoyment of their possessions. No person can be deprived of their possessions except in the public interest and subject to national and international law.
- 18.2.3. Article 8 protects private and family life, the home and correspondence. No public authority can interfere with this interest except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.
- 18.2.4. In deciding to make the Orders, the Acquiring Authority 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 are 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 determination.
- 18.2.5. The Courts have held that this legal framework complies with the Convention on Human Rights.
- 18.2.6. Overall, the Acquiring Authority 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.

## **19 PUBLIC INQUIRY**

- 19.1. This Statement is not intended to discharge the Acquiring Authority's obligations to serve a Statement of Case under the Highways (Inquiries Procedure) Rules and the Compulsory Purchase (Inquiries Procedure) Rules 2007 in the event that a local Public Inquiry is held.
- 19.2. In the event of a local Public Inquiry being held, the Acquiring Authority 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.
- 19.3. The Acquiring Authority may wish to refer to or put in as evidence at any local Public Inquiry that may be held, the documents listed below.
- 19.4. The documents listed below are also available at the deposit locations listed in Section 20 of this Statement.
- 19.5. List of Documents Maps or Plans being relied upon:
- 19.5.1. The Highways Act 1980
  - 19.5.2. The Acquisition of Land Act 1981
  - 19.5.3. National Planning Policy Framework, 2019
  - 19.5.4. Cheshire East Council - Local Plan Strategy 2010-2030
  - 19.5.5. Congleton Local Plan, Saved Policies
  - 19.5.6. Cheshire West and Chester Local Plan - Parts One and Two
  - 19.5.7. Vale Royal Borough Local Plan – Saved Policies
  - 19.5.8. Revised Publication Draft Site Allocations and Development Policies Document
  - 19.5.9. Investing in Britain's Future, 2013
  - 19.5.10. Action for Roads, A Network for the 21st Century, 2013
  - 19.5.11. National Infrastructure Plan, 2013
  - 19.5.12. Constellation Partnership HS2 Growth Strategy Report Oct 2018
  - 19.5.13. HS2 In your area - Wimboldsley to Lostock Gralam - MA02 June 2018
  - 19.5.14. DfT's Road Investment Strategy, Strategic Vision, 2014 (withdrawn)
  - 19.5.15. DfT's Road Investment Strategy for the 2015/16 to 2019/20 road period
  - 19.5.16. Strategic Economic Plan and Growth Plan for Cheshire and Warrington
  - 19.5.17. Transport for the North's Major Roads Report first published in 2017 and updated in 2018
  - 19.5.18. Cheshire East Local Transport Plan (2011 & 2019)
  - 19.5.19. Cheshire East Council Infrastructure Delivery Plan
  - 19.5.20. Cheshire East Council Middlewich A54 St Michael's Way / A533 Leadsmithy Street (Town Bridge) Traffic Signal Junction Study December 2015
  - 19.5.21. CEC Large Local Major Scheme MEB Acceptance Letter
  - 19.5.22. Section 106 Agreements Summary Report
  - 19.5.23. CEC Medium Term Financial Strategy 2020-24

- 19.5.24. Planning Application 18/5833C
- 19.5.25. Cheshire East Council Strategic Planning Board Report 24 April 2019
- 19.5.26. Cheshire East Council Strategic Planning Board Agenda 24 April 2019
- 19.5.27. Cheshire East Council Strategic Planning Board Minutes 24 April 2019
- 19.5.28. Planning Permission 18/5833C (Decision Notice) – Cheshire East Council
- 19.5.29. Planning Application 18/04483/FUL
- 19.5.30. Cheshire West and Chester Council Delegated Report 3 September 2019
- 19.5.31. Planning Permission 18/04483/FUL (Decision Notice) – Cheshire West and Chester Council
- 19.5.32. Planning Application 20/01758/NMA
- 19.5.33. Planning Permission 20/01758/NMA (Decision Notice) – Cheshire West and Chester Council
- 19.5.34. Planning Application 20/2064C
- 19.5.35. Cheshire East Council Delegated Report 8 October 2020
- 19.5.36. Planning Permission 20/2064C (Decision Notice) – Cheshire East Council
- 19.5.37. Planning Application 20/2162C
- 19.5.38. Cheshire East Council Strategic Planning Board Agenda 14 October 2020
- 19.5.39. Cheshire East Council Strategic Planning Board Minutes 14 October 2020
- 19.5.40. Planning Permission 20/2162C (Decision Notice) – Cheshire East Council
- 19.5.41. Planning Application 21/2044C
- 19.5.42. Planning Application 21/2073C
- 19.5.43. Option Assessment Report – September 2016
- 19.5.44. Outline Business Case – March 2017
- 19.5.45. CW&CC Section 8 Agreement
- 19.5.46. Census 2011
- 19.5.47. MEB Statement of Community Involvement October 2018
- 19.5.48. Middlewich Transport Consultation Report 2016
- 19.5.49. MEB Public Engagement Report 2018
- 19.5.50. Equality Impact Assessment
- 19.5.51. Report to and agenda and minutes of the Highways and Transport Committee – November 2021
- 19.5.52. Guidance on compulsory purchase process and the Crichel Down Rules: Guidance – dated July 2019
- 19.5.53. The Cheshire East Council (A533 Middlewich Eastern Bypass) Compulsory Purchase Order 2022
- 19.5.54. The Cheshire East Council (A533 Middlewich Eastern Bypass) (Classified Road) (Side Roads) Order 2022
- 19.5.55. Map referred to in The Cheshire East Council (A533 Middlewich Eastern Bypass) Compulsory Purchase Order 2022
- 19.5.56. Plans referred to in The Cheshire East Council (A533 Middlewich Eastern Bypass) (Classified Road) (Side Roads) Order 2022
- 19.5.57. The Cheshire East Council (A533 Middlewich Eastern Bypass - Trent

and Mersey Canal Bridge) Scheme 2022

- 19.6. The Acquiring Authority reserves the right to add other documents to this list.



## **20 FURTHER INFORMATION**

- 20.1 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

*Or*

Sandbach Library  
The Commons  
Sandbach  
Cheshire  
CW11 1FJ

*Or*

Crewe Library  
Lifestyle Centre  
Moss Square  
Crewe  
CW1 2BB

*Or*

Northwich Library  
Wilton Street  
Northwich  
CW9 5DR

- 20.2. Alternatively, the documents can be inspected on the Cheshire East Council website at:

[Middlewich Eastern Bypass \(cheshireeast.gov.uk\)](http://middlewich-eastern-bypass.cheshireeast.gov.uk)

- 20.3. Specific queries relating to the Council's proposals should be sent by email to [middlewich-easternbypass@cheshireeast.gov.uk](mailto:middlewich-eastern-bypass@cheshireeast.gov.uk)

### **20.4. Compensation**

- 20.4.1. 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:

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

20.4.2. 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

20.4.3. The Booklets can be downloaded directly from:

[www.communities.gov.uk/publications/planningandbuilding/compulsorypurchase](http://www.communities.gov.uk/publications/planningandbuilding/compulsorypurchase)

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

**21 APPENDICES**

**APPENDIX 1 SCHEME PLAN**

**APPENDIX 2 GENERAL ARRANGEMENT DRAWINGS**

**APPENDIX 3 ROUTE OPTIONS**

**APPENDIX 4 SCHEDULE OF PRIVATE MEANS OF ACCESS**

**APPENDIX 5 LIST OF PLANNING APPLICATION DOCUMENTS**

## **APPENDIX 1**

### **SCHEME PLAN**



## **APPENDIX 2**

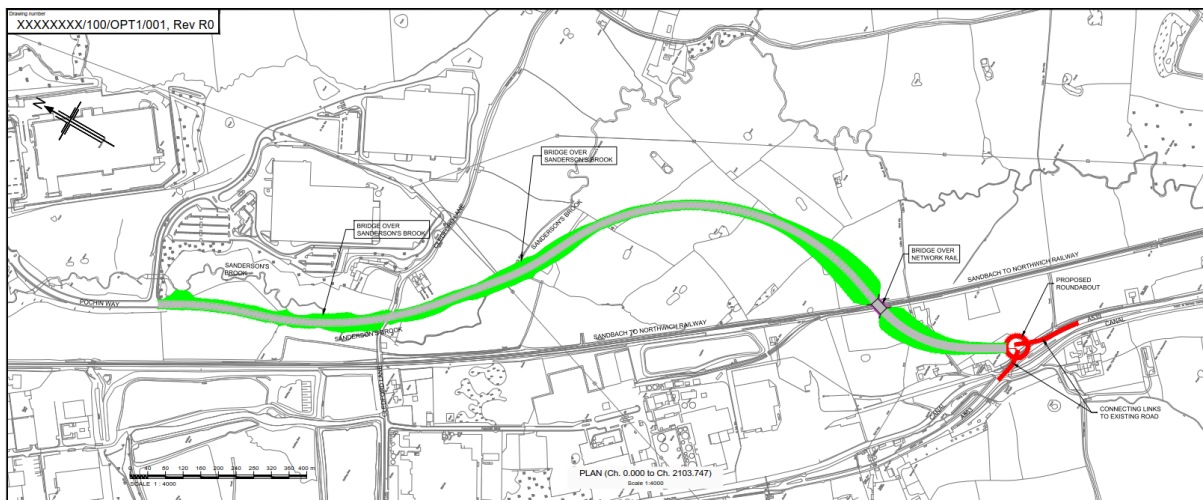
### **GENERAL ARRANGEMENT DRAWINGS**

## **APPENDIX 3**

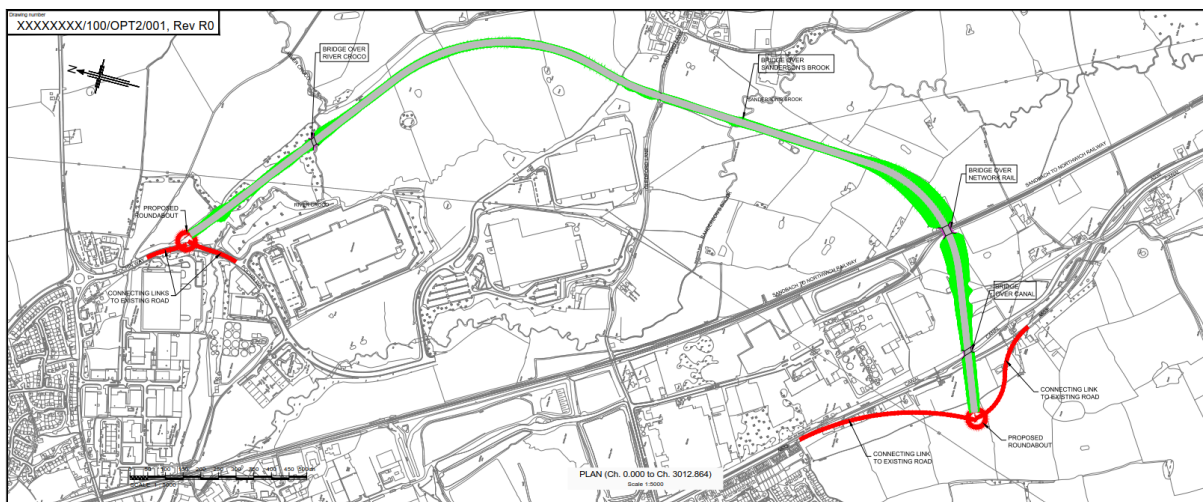
### **ROUTE OPTIONS**



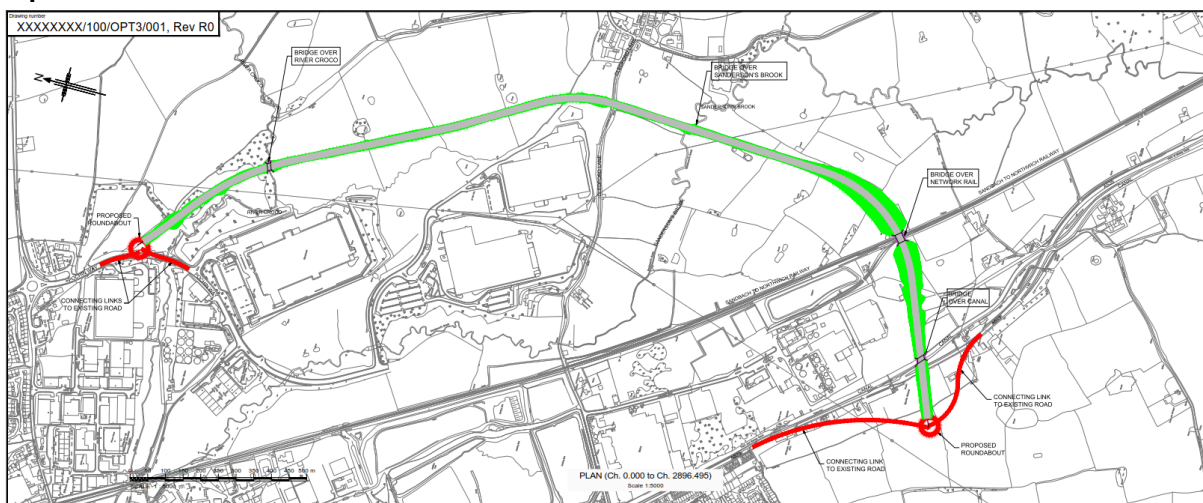
## Option 1



## Option 2

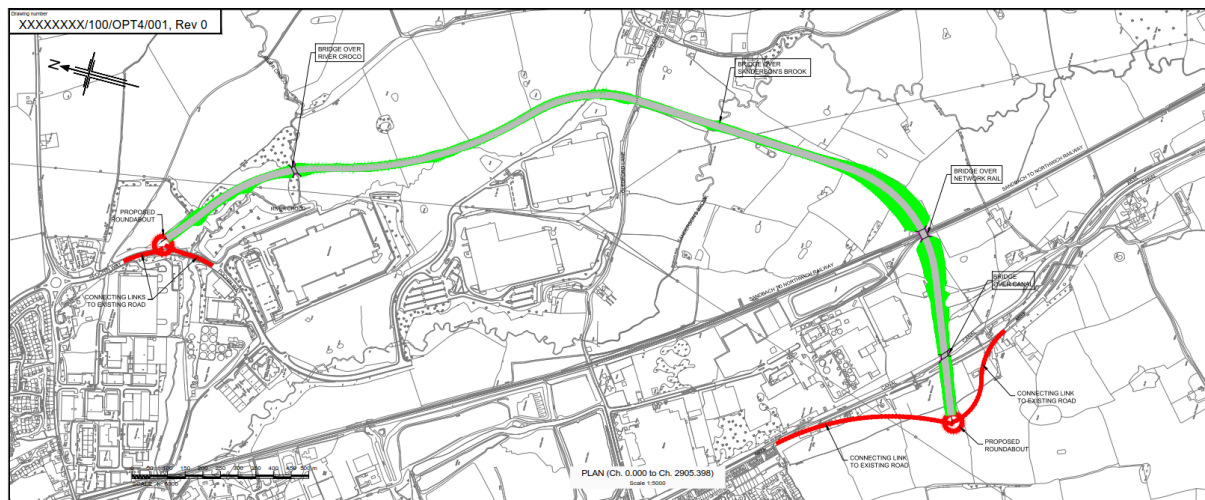


## Option 3

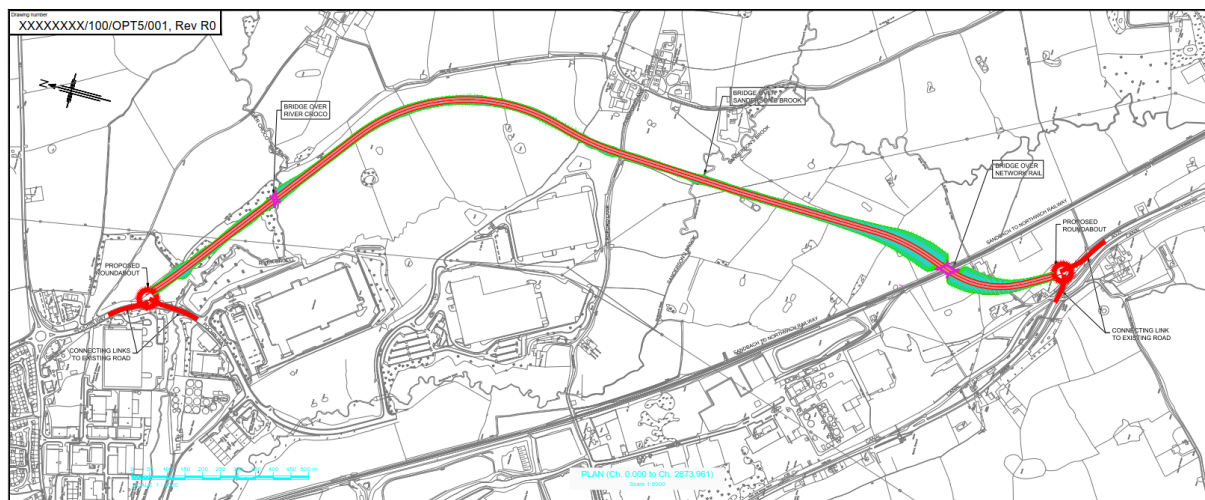




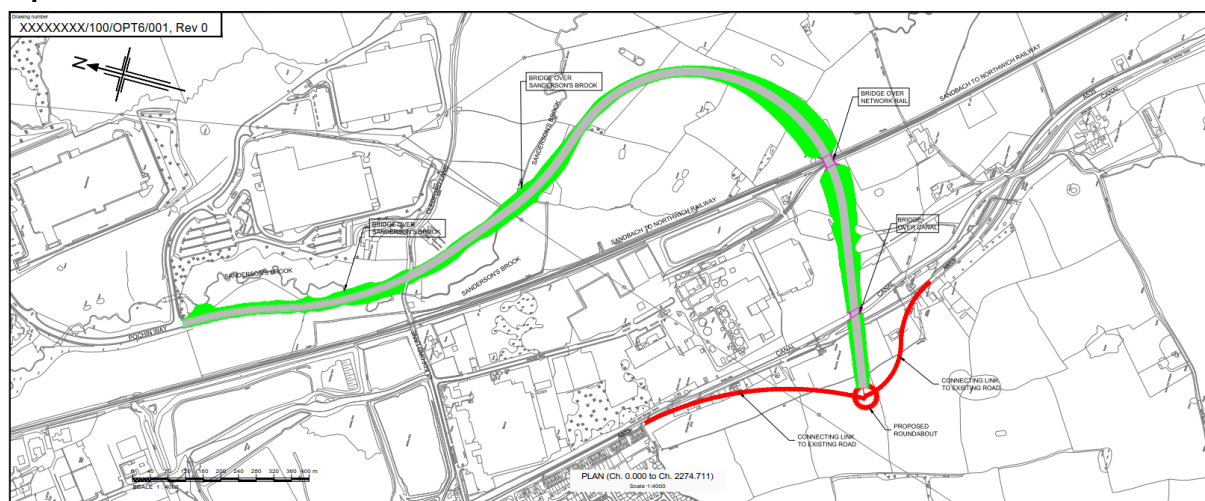
## Option 4



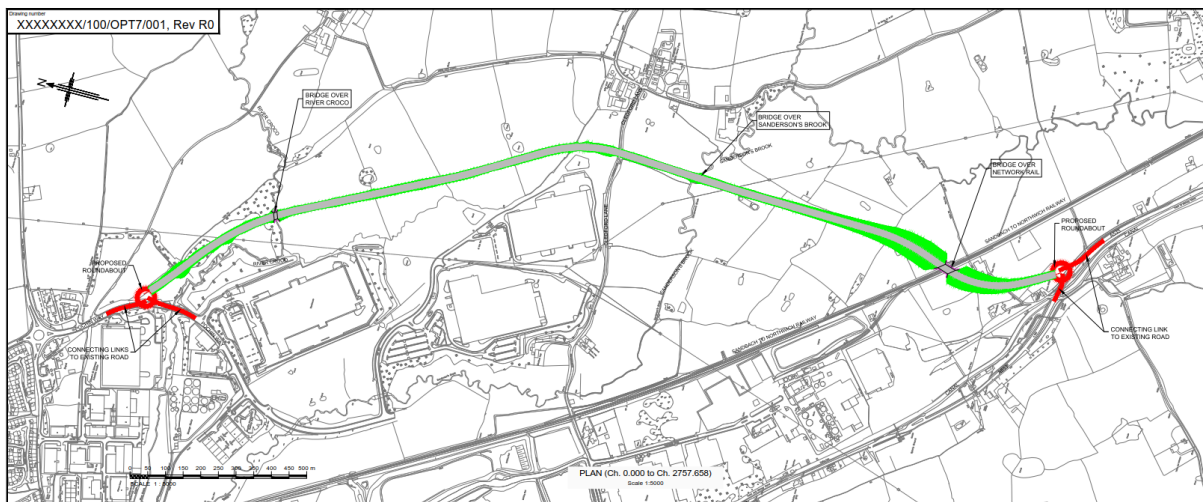
## Option 5



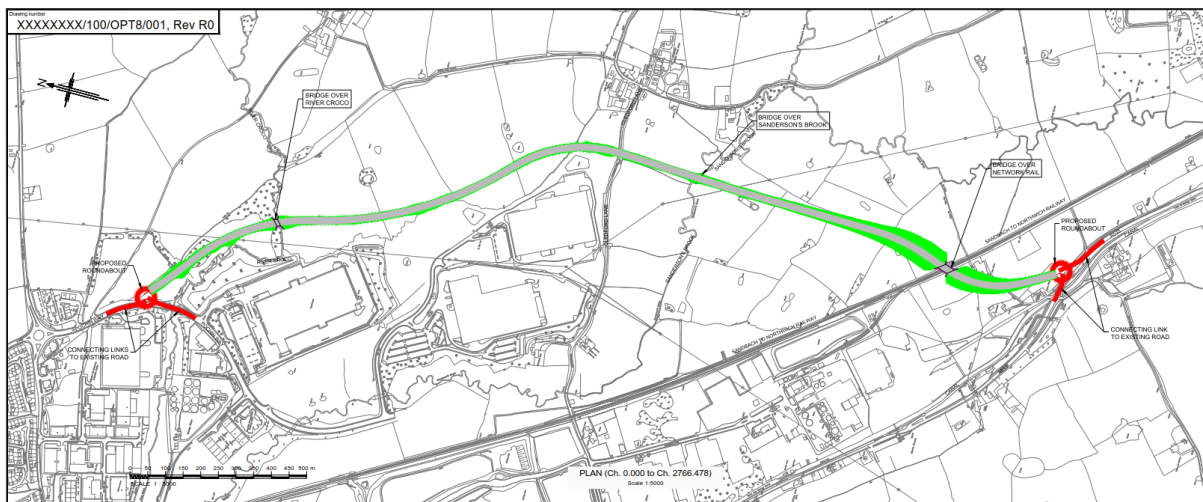
## Option 6



## Option 7

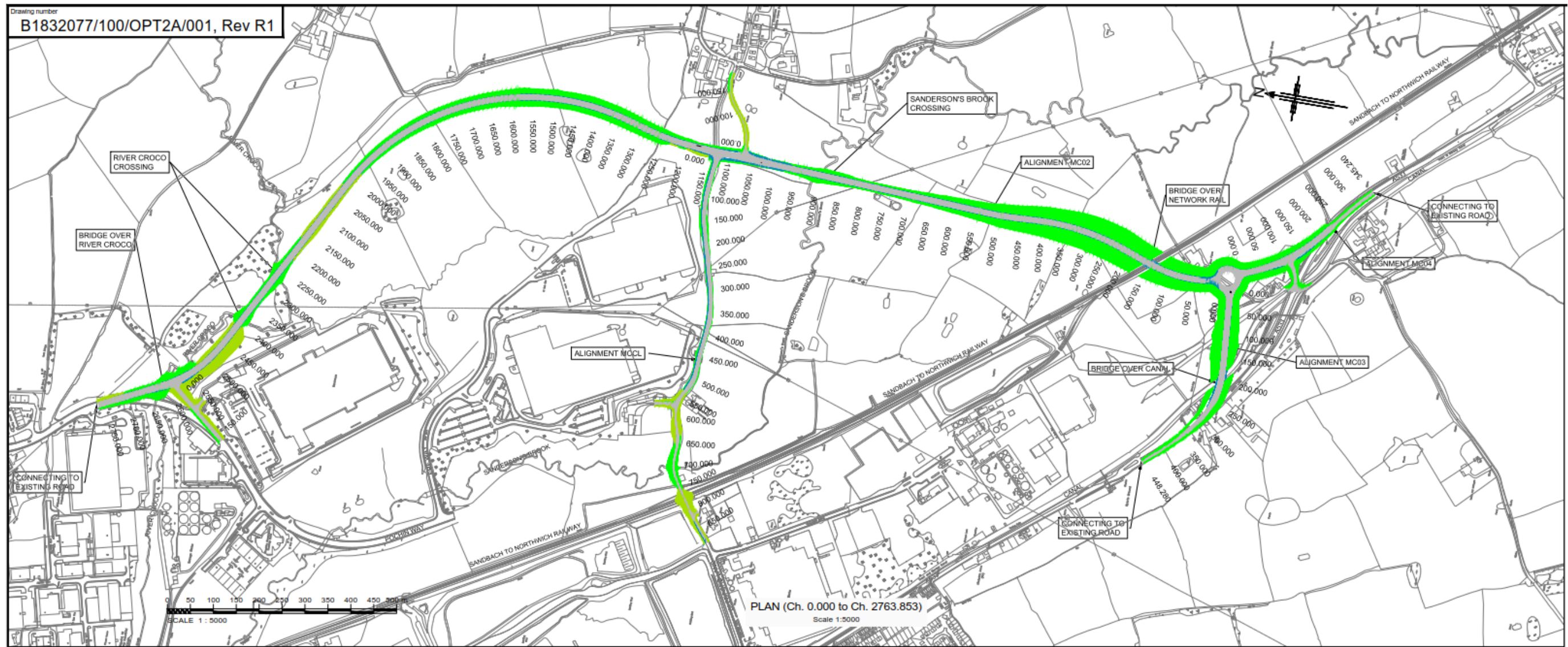


## Option 8



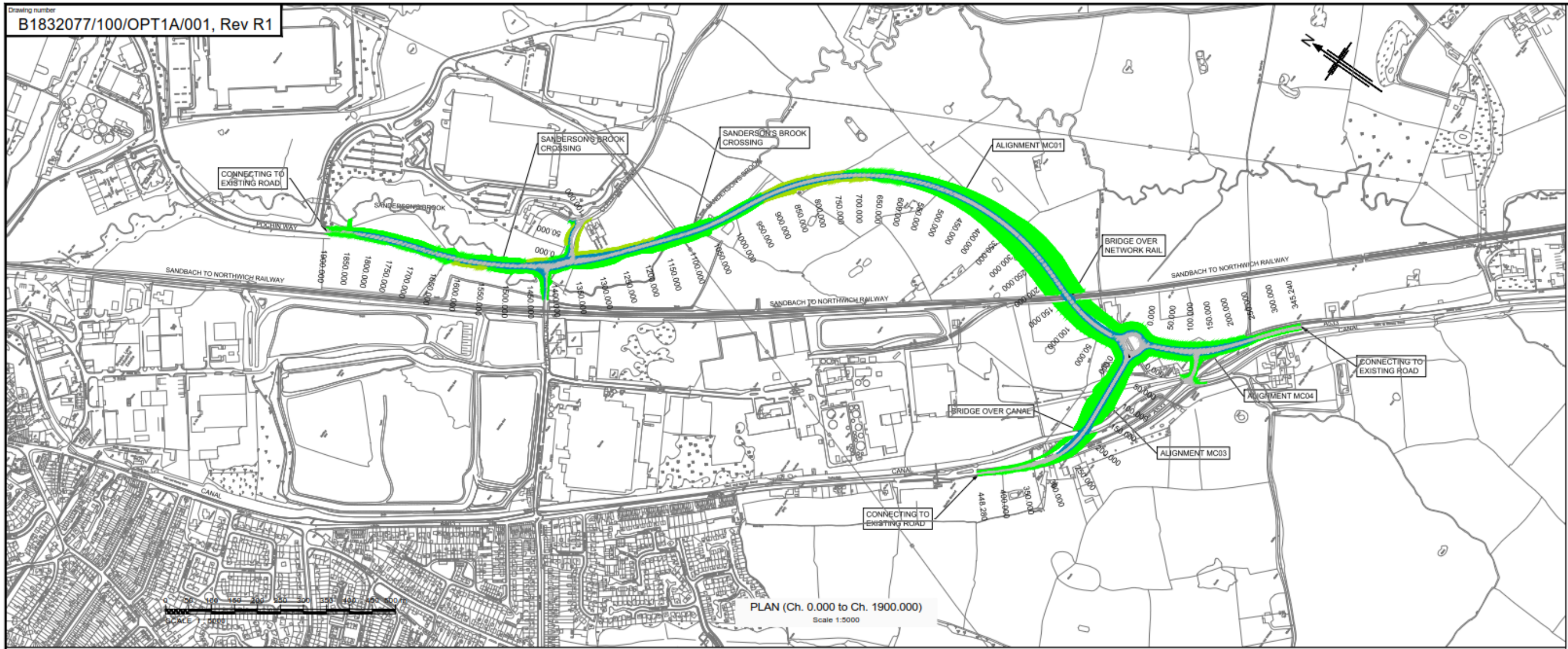


### Preferred Option





Alternative Option



## PPENDIX 3

## APPENDIX 4

### SCHEDULE OF PRIVATE MEANS OF ACCESS

Schedule / SRO Plan Number	Access Reference		Description / Notes
	Existing (to be stopped up or amended)	New	
1	1/a	1/1	Amended access to Optima Logistics
	1/b	1/2	Relocated access to field (CPO Plot 2)
	1/c	1/3	Amended access to United Utilities pumping Station
	1/d	n/a	Access of unknown purpose
2	n/a	2/1	New access to field number 8694 due to severance
3	3/a	3/1	Relocated access to field number 2704
	3/b	3/2	Relocated access to non-operational area of Plot 31
	3/c	3/3	Relocated access to field number 0603
	n/a	3/4	New access to field number 2622 due to severance
4	4/a	4/1	Amended access to Cledford Villa
	4/b	4/2	Amended access to Cledford House
	4/c	4/3	Relocated access to land adjacent to field number 4224
	4/d	4/4	Amended access to non-operational area of Plot 31
	4/e	4/5	Relocated access to field number 9002
5	n/a	5/1	New access to field number 1284 due to severance
6	6/a	6/1	Relocated access to 1 East Tetton Cottages
	6/b	6/2	Relocated access to former RHM Foods site (CPO Plot 106)
	6/c	n/a	Access to Bowfields
	6/d	n/a	Access to land in ownership of the Council
	6/e	n/a	Access to site of former New Farm

## APPENDIX 5

### LIST OF PLANNING DOCUMENTS

APPROVED PLANS AND DOCUMENTATION (18/5883C, 20/2064C, and 18/04483/FUL)	REFERENCE	REVISION
Statement of Community Involvement	BRJ10403-P-DOC-002	0
Combined Planning, Design and Access Statement	BRJ10403-P-DOC-003	1
<b>PLANNING DRAWINGS:</b>		
Overall Scheme Location Plan	BRJ10403-H-SK-037	P01
Local Planning Authorities Location Plan	BRJ10403-H-SK-038	P01
Proposed Scheme Context Plan	BRJ10403-H-SK-039	P01
General Arrangement Key Plan	BRJ10403-H-100-011	P02
General Arrangement Layout Plan - Sheet 1 of 9	BRJ10403-H-100-012	P02
General Arrangement Layout Plan - Sheet 2 of 9	BRJ10403-H-100-013	P02
General Arrangement Layout Plan - Sheet 3 of 9	BRJ10403-H-100-014	P02
General Arrangement Layout Plan - Sheet 4 of 9	BRJ10403-H-100-015	P02
General Arrangement Layout Plan - Sheet 5 of 9	BRJ10403-H-100-016	P02
General Arrangement Layout Plan – Sheet 6 of 9	BRJ10403-H-100-017	P01
General Arrangement Layout Plan - Sheet 7 of 9	BRJ10403-H-100-018	P02
General Arrangement Layout Plan - Sheet 8 of 9	BRJ10403-H-100-019	P02
General Arrangement Layout Plan - Sheet 9 of 9	BRJ10403-H-100-020	P02
Longitudinal Section of Proposed Bypass - Sheet 1 of 5	BRJ10403-H-100-005	P06
Longitudinal Section of Proposed Bypass - Sheet 2 of 5	BRJ10403-H-100-006	P06
Longitudinal Section of Proposed Bypass - Sheet 3 of 5	BRJ10403-H-100-007	P06
Longitudinal Section of Proposed Bypass - Sheet 4 of 5	BRJ10403-H-100-008	P06
Longitudinal Section of Proposed Bypass - Sheet 5 of 5	BRJ10403-H-100-009	P06
Cross Sections Location Plan	BRJ10403-H-SK-040	P02
Cross Sections Sheet 1 of 3	BRJ10403-H-SK-041	P02
Cross Sections Sheet 2 of 3	BRJ10403-H-SK-042	P02
Cross Sections Sheet 3 of 3	BRJ10403-H-SK-043	P02
Step-Pool General Arrangement	BRJ10403-H-SK-046	P01
Tetton Railway Bridge General Arrangement, Elevations and Sections	BRJ10403-S-Ra-100-001	2
Trent and Mersey Canal Bridge General Arrangement, Elevations and Sections	BRJ10403-S-Ca-100-001	2
River Croco Box Culvert General Arrangement, Elevations and Sections	BRJ10403-S-RC-100-001	1
Sanderson's Brook No.1 Box Culvert General Arrangement, Elevations and Sections	BRJ10403-S-S1-100-001	0
Sanderson's Brook No. 2 Box Culvert General Arrangement, Elevations and Sections	BRJ10403-S-S2-100-001	0

Tributary of River Croco Box Culvert General Arrangement	BRJ10403-S-T1-100-001	P01
Tributary of River Sanderson's Brook Culvert General Arrangement	BRJ10403-S-T2-100-001	P01
Drainage Design Layout Plan - Sheet 1 of 4	BRJ10403-D-500-001	P02
Drainage Design Layout Plan - Sheet 2 of 4	BRJ10403-D-500-002	P02
Drainage Design Layout Plan - Sheet 3 of 4	BRJ10403-D-500-003	P02
Drainage Design Layout Plan - Sheet 4 of 4	BRJ10403-D-500-004	P02
Drainage Catchment Plan Sheet 1 of 4	BRJ10403-D-500-008	P02
Drainage Catchment Plan Sheet 2 of 4	BRJ10403-D-500-009	P02
Drainage Catchment Plan Sheet 3 of 4	BRJ10403-D-500-010	P02
Drainage Catchment Plan Sheet 4 of 4	BRJ10403-D-500-011	P02
<b>DRAINAGE REPORT</b>	BRJ10403-D-DOC-001	P02
<b>ENVIRONMENTAL STATEMENT</b>	BRJ10403/OD/26	0
• Volume 1 (Non-Technical Summary)		
• Volume 2 (Main statement and figures)		
• Volume 3 (Technical Appendices. EMP updated later – see below)		
Environmental Masterplan Sheet 1 of 10	BRJ10403-E-EMP-001	P05
Environmental Masterplan Sheet 2 of 10	BRJ10403-E-EMP-002	P04
Environmental Masterplan Sheet 3 of 10	BRJ10403-E-EMP-003	P04
Environmental Masterplan Sheet 4 of 10	BRJ10403-E-EMP-004	P04
Environmental Masterplan Sheet 5 of 10	BRJ10403-E-EMP-005	P05
Environmental Masterplan Sheet 6 of 10	BRJ10403-E-EMP-006	P05
Environmental Masterplan Sheet 7 of 10	BRJ10403-E-EMP-007	P06
Environmental Masterplan Sheet 8 of 10	BRJ10403-E-EMP-008	P06
Environmental Masterplan Sheet 9 of 10	BRJ10403-E-EMP-009	P05
Environmental Masterplan Sheet 10 of 10	BRJ10403-E-EMP-010	P05
Appendix D.18 Update Desk Study Report	BRJ10403-E-DOC-023	Rev 0
ES Addendum	BRJ10403-E-DOC-028	Rev 0
Ecology Comments and Responses	BRJ10403-E-DOC-029	Rev 0
Ecology Comments and Responses 2 (4/3/2019)	BRJ10403-E-DOC-031	Rev 0
<b>LIGHTING DETAILS</b>		
Lighting Appraisal	BRJ10403-L-DOC-001	P02
Road Lighting Key Plan	BRJ10403-H-1300-001	P01
Road Lighting Layout Plan – Sheet 1 of 7	BRJ10403-H-1300-002	P01
Road Lighting Layout Plan – Sheet 2 of 7	BRJ10403-H-1300-003	P01
Road Lighting Layout Plan – Sheet 3 of 7	BRJ10403-H-1300-004	P01
Road Lighting Layout Plan – Sheet 4 of 7	BRJ10403-H-1300-005	P01
Road Lighting Layout Plan – Sheet 5 of 7	BRJ10403-H-1300-006	P01
Road Lighting Layout Plan – Sheet 6 of 7	BRJ10403-H-1300-007	P01
Road Lighting Layout Plan – Sheet 7 of 7	BRJ10403-H-1300-008	P01
<b>TRANSPORT STUDIES</b>		
Transport Assessment	BRJ10403-T-DOC-001	R01

Local Model Validation Report	OD 007	0
Construction Traffic Assessment	BRJ10403-T-DOC-002	0
<b>CYCLEWAYS AND FOOTWAYS</b>		
Cycleway & Footway Provision Location Plan	BRJ10403-H-SK-017	P03
Cycleway & Footway Provision - Sheet 1 of 5	BRJ10403-H-SK-018	P04
Cycleway & Footway Provision - Sheet 2 of 5	BRJ10403-H-SK-019	P07
Cycleway & Footway Provision - Sheet 3 of 5	BRJ10403-H-SK-020	P03
Cycleway & Footway Provision - Sheet 4 of 5	BRJ10403-H-SK-021	P05
Cycleway & Footway Provision - Sheet 5 of 5	BRJ10403-H-SK-022	P04
Compound Soil Storage	BRJ10403_ES_0205	

<b>APPROVED PLANS AND DOCUMENTATION</b> Additional documents for Section 73 Application 20/2064C	<b>REFERENCE</b>	<b>REVISION</b>
Planning Statement	BRJ10612-P-DOC-001	0
<b>PLANNING DRAWINGS:</b>		
Site Location Plan	BRJ10612-H-SK-043	P01
Changes to Scheme Footprint Key Plan	BRJ10612-H-SK-032	P01
Changes to Scheme Footprint Sheet 1 of 7	BRJ10612-H-SK-033	P01
Changes to Scheme Footprint Sheet 2 of 7	BRJ10612-H-SK-034	P01
Changes to Scheme Footprint Sheet 3 of 7	BRJ10612-H-SK-035	P01
Changes to Scheme Footprint Sheet 4 of 7	BRJ10612-H-SK-036	P01
Changes to Scheme Footprint Sheet 5 of 7	BRJ10612-H-SK-037	P01
Changes to Scheme Footprint Sheet 6 of 7	BRJ10612-H-SK-038	P01
Changes to Scheme Footprint Sheet 7 of 7	BRJ10612-H-SK-039	P01
<b>ENVIRONMENTAL ASSESSMENT REPORT</b>	BRJ10612-E-DOC-026	0
Biodiversity Metrics Impact Assessment 2020	BRJ10612-E-DOC-031	P02
Planning Consultee Comments Response Report - Ecology	BRJ10612-E-DOC-032	P01

<b>APPROVED PLANS AND DOCUMENTATION</b> Documents bespoke to Additional Areas Application 20/2162C	<b>REFERENCE</b>	<b>REVISION</b>
Planning Statement	BRJ10612-P-DOC-003	0
<b>PLANNING DRAWINGS:</b>		
Site Location Plan	BRJ10612-H-SK-044	P01
General Arrangement Layout Plan - Sheet 1 of 4	BRJ10612-H-100-022	P01
General Arrangement Layout Plan - Sheet 2 of 4	BRJ10612-H-100-023	P01
General Arrangement Layout Plan - Sheet 3 of 4	BRJ10612-H-100-024	P01
General Arrangement Layout Plan - Sheet 4 of 4	BRJ10612-H-100-025	P02
Additional Areas Cross Sections	BRJ10612-H-SK-046	P01
Drainage Design Layout Plan - Sheet 1 of 4	BRJ10403-D-500-001	P02
<b>ENVIRONMENTAL ASSESSMENT REPORT</b>	BRJ10612-E-DOC-032	0



Environmental Master Plan Sheet 1	BRJ10612_EMP_011	0
Environmental Master Plan Sheet 2	BRJ10612_EMP_012	1
Environmental Master Plan Sheet 3	BRJ10612_EMP_013	2

PLANS AND DOCUMENTATION PENDING APPROVAL Documents submitted for S73 Applications 21/2044C and 21/2073C	REFERENCE	REVISION
Planning Statement	BRJ10612-P-DOC-006	0
Planning Statement	BRJ10612-P-DOC-007	0
<b>PLANNING DRAWINGS:</b>		
General Arrangement Key Plan	BRJ10403-H-100-011	P04
General Arrangement Layout Plan - Sheet 1 of 9	BRJ10403-H-100-012	P03
General Arrangement Layout Plan - Sheet 2 of 9	BRJ10403-H-100-013	P03
General Arrangement Layout Plan - Sheet 3 of 9	BRJ10403-H-100-014	P03
General Arrangement Layout Plan - Sheet 4 of 9	BRJ10403-H-100-015	P03
General Arrangement Layout Plan - Sheet 5 of 9	BRJ10403-H-100-016	P04
General Arrangement Layout Plan – Sheet 6 of 9	BRJ10403-H-100-017	P05
General Arrangement Layout Plan - Sheet 7 of 9	BRJ10403-H-100-018	P03
General Arrangement Layout Plan - Sheet 3 of 4	BRJ10612-H-100-024	P03
General Arrangement Layout Plan - Sheet 4 of 4	BRJ10612-H-100-025	P04
Drainage Design Layout Plan - Sheet 4 of 4	BRJ10403-D-500-004	P03
<b>ENVIRONMENTAL ASSESSMENT REPORT</b>	BRJ10612-E-DOC-035	P01
Environmental Master Plan Sheet 1	BRJ10403_EMP_001	6
Environmental Master Plan Sheet 4	BRJ10403_EMP_004	5
Environmental Master Plan Sheet 5	BRJ10403_EMP_005	6
Environmental Master Plan Sheet 6	BRJ10403_EMP_006	6
Environmental Master Plan Sheet 7	BRJ10403_EMP_007	8
Environmental Master Plan Sheet 8	BRJ10403_EMP_008	8
Environmental Master Plan Sheet 9	BRJ10403_EMP_009	6
Environmental Master Plan Sheet 10	BRJ10403_EMP_010	7
Environmental Master Plan Sheet 3 of 3	BRJ10612_EMP_013	3