
Report to the Secretary of State for Transport

by Stephen Roscoe BEng MSc CEng MICE

an Inspector appointed by the Secretary of State for Transport

Date: 27 July 2017

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**THE CHESHIRE EAST BOROUGH COUNCIL (A536 CONGLETON LINK ROAD)
(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2016**

**THE CHESHIRE EAST BOROUGH COUNCIL (A536 CONGLETON LINK ROAD)
COMPULSORY PURCHASE ORDER 2016**

Dates of Inquiries: 16, 17 and 24 May 2017

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ACRONYMS AND ABBREVIATIONS USED IN THE REPORT

AQMA	Air Quality Management Area
AQO	Air Quality Objective
BCR	Benefit Cost Ratio
CD	Core Document
CEMP	Construction Environmental Management Plan
CLR	Congleton Link Road
COBALT	Cost and Benefit to Accidents – Light Touch
the Council	Cheshire East Borough Council
CPO	Compulsory Purchase Order
dB	a unit of sound measurement
DCLG	Department for Communities and Local Government
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
FRA	Flood Risk Assessment
GLVIA	Guidelines for Landscape and Visual Assessment
GVA	Gross Value Added
ha	Hectare
HGV	Heavy Goods Vehicle
the Inquiry	the co-joined Inquiries into the SRO and CPO
km	kilometre
LEP	Local Enterprise Partnership
LPS	Emerging Local Plan Strategy
LWS	Local Wildlife Site
m	metres
m ²	square metres
MPR	Modified Preferred Route
NE	Natural England
nIA	Noise Important Area
NMU	Non-Motorised User
NO ₂	Nitrogen Dioxide
NPPF	National Planning Policy Framework
OBJ	Objector
PM ₁₀	Small airborne particles, more specifically particulate matter less than 10 micrometres in aerodynamic diameter
PMA	Private Means of Access
the Promoting Authority	Cheshire East Borough Council
PRoW	Public Right of Way
the scheme	Congleton Link Road
SEP	Strategic Economic Plan
SOAEL	Significant Observed Adverse Effect Level
SRO	Side Roads Order
SWOT	Strengths, Weaknesses, Opportunities and Threats
WFD	Water Framework Directive

CASE DETAILS

The Side Roads Order

- The Side Roads Order is made under Sections 14 and 125 of the Highways Act 1980, and is known as the **Cheshire East Borough Council (A536 Congleton Link Road) (Classified Road) (Side Roads) Order 2016**.
 - The Side Roads Order was made on 14 October 2016.
 - Cheshire East Borough Council (hereafter referred to as “the Council” or “the Promoting Authority”) submitted the Side Roads Order for confirmation to the Secretary of State for Transport.
 - If confirmed, the Side Roads Order would authorise the Council to improve, stop up and construct new highways and stop up and provide new private means of access to premises on or in the vicinity of the route of the classified road known as A536 Congleton Link Road.

Summary of Recommendation: that the Side Roads Order be confirmed with modifications.

The Compulsory Purchase Order

- The Compulsory Purchase Order is made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980, and is known as the **Cheshire East Borough Council (A536 Congleton Link Road) Compulsory Purchase Order 2016**.
 - The Compulsory Purchase Order was made on 14 October 2016.
 - The Council submitted the Compulsory Purchase Order for confirmation to the Secretary of State for Transport.
 - If confirmed, the Compulsory Purchase Order would authorise the Council to compulsorily purchase land and the new rights over land in order to construct the A536 Congleton Link Road with its associated works and mitigation measures, as provided for by the above-mentioned SRO.

Summary of Recommendation: that the Compulsory Purchase Order be confirmed with modifications.

1. PREAMBLE

- 1.1 The Congleton Link Road (CLR or ‘the scheme’) would be a single carriageway road approximately 5.7km in length and located to the west and north of Congleton proposed as a solution to the existing problems of congestion within Congleton. It would extend from the A534 Sandbach Road, south west of Congleton, to the A536 Macclesfield Road. It would include connecting spur roads to the Radnor Park Trading Estate and Congleton Business Park¹.
- 1.2 The Scheme has been granted full planning permission by the Council². In addition, the Council’s Cabinet has approved the making of the Side Roads Order (SRO) and Compulsory Purchase Order (CPO). The SRO³ and CPO⁴ were

¹ CEC/1/1 Section 1

² CEC/2/1 Section 4

³ CD/3/1

⁴ CD/3/3

sealed by the Council on 14 October 2016 and were advertised as required⁵. The objection period for both Orders closed on 5 December 2016.

- 1.3 As statutory objections to the Orders had been made and not withdrawn, the Secretary of State for Transport issued a notice of intention to hold Public Local Inquiries into the Orders (hereafter referred to as "the Inquiry"), to consider objections to the Orders.
- 1.4 The planning application supporting material included a comprehensive Environmental Statement (ES)⁶ which, amongst other things, set out the full scope of the highway works and so provided a full assessment of the effects of the scheme. Additional consultation carried out during the determination period for the planning application resulted in some changes to the scheme which led to changes to the ES covered by an addendum⁷. I have taken account of this ES and its addendum in arriving at my recommendations. All other environmental information submitted in connection with the scheme, including that arising from questioning at the Inquiry, has also been taken into account.
- 1.5 I held a Pre-Inquiry Meeting at Congleton Town Hall on Thursday 6 April 2017 and then issued a Pre-Inquiry Meeting Note for distribution to all objectors, setting out the administrative and practical arrangements for the Inquiry⁸. I subsequently opened the Inquiry at Congleton Town Hall on 16 May 2017. It sat on 3 days and closed on 24 May 2017, with the administration and programming of the Inquiry being dealt with by the independent Programme Officer, Miss Kerry Trueman assisted by Miss Sue Ashton. I carried out unaccompanied site visits to the areas affected by the Scheme on 5 April and 15 and 23 May 2017 and also undertook an inspection of various sections of the route of the Scheme on 18 May 2017, accompanied by a representative of the Council and relevant objectors to the Orders.

Numbers of Objectors and Supporters

- 1.6 A total of 23 objections were lodged against the Orders during their objection periods, and a further objection was lodged during the Inquiry. However, the Council was able to reach agreement with many of these objectors through discussions and negotiations which continued up to and during the course of the Inquiry, with the result that the majority of objections have been withdrawn. By the close of the Inquiry there were only 5 remaining objections to the CPO and 3 to the SRO. Two of these objectors objected to both Orders and hence 6 objectors remained. There were also four counter objections to an alternative put forward by one of the objectors to the CPO, and one of these counter objections was one of the 5 remaining objections to the CPO itself. All of these objections are discussed later in this report.
- 1.7 In addition, 2 representations in support of the scheme and 2 representations expressing concerns in relation to the scheme were submitted. I have had regard to all of the representations, both opposing and supporting the Orders, in coming to my recommendations.

⁵ CEC/16

⁶ CD/3/8

⁷ CD/3/8

⁸ INSP/1

Main Grounds for Objection

- 1.8 The main remaining areas of objection, all of which are dealt with in this report, relate to:
- the loss of woodland;
 - clarity regarding construction areas, drainage and future agricultural access;
 - public rights of way (PRoW) crossings of the scheme;
 - human rights in respect of peaceful enjoyment of property;
 - the extent of permanent compulsory acquisition;
 - the inadequacy of negotiations on temporary and maintenance rights;
 - the timing of compulsory acquisition negotiations and order objection deadlines; and
 - the need for the scheme to be extended.
- 1.9 In addition, an alternative for part of the proposed route for the scheme was put forward by one of the objectors

Statutory Formalities

- 1.10 The Council confirmed that all necessary statutory formalities relating to the promotion of the Orders and the holding of the Inquiry had been complied with⁹.

Scope of this Report

- 1.11 This report contains a brief description of the site and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances and documents are attached. These include details of the submitted proofs of evidence, which may have been added to or otherwise extended at the Inquiry, either during examination in chief or during cross-examination. Where appropriate, references to submitted documents are given in footnotes.

2. DESCRIPTION OF THE ROUTE OF THE SCHEME AND ITS SURROUNDINGS

- 2.1 A full description of the character of the land along the proposed route alignment and within the surrounding area is provided in the Landscape and Visual Impact chapter of the ES¹⁰. It is summarised in the Design and Access Statement¹¹ and the Combined Statement of Reasons¹².
- 2.2 The scheme would lie to the west and north of Congleton and extend from the A534 Sandbach Road, at a roundabout junction with Sandy Lane to the south west of Congleton, to A536 Macclesfield Road to the north of Congleton. The scheme would cross the A54 Holmes Chapel Road at a roundabout junction, pass over Loach Brook and then pass to the north west of the built up areas of Congleton. To the north of Congleton, the scheme would pass through areas of woodland, including ancient woodland, and would cross the River Dane.

⁹ CEC/16

¹⁰ CD/3/8 Chapter 6

¹¹ CD/3/29 Chapter 3

¹² CD/1 Chapter 3

The scheme would connect to the Radnor Park Trading Estate and Congleton Business Park at roundabout junctions. It would then cross the A34 Manchester Road at a roundabout junction before joining the A536 Macclesfield Road to the south of Eaton Village at a final roundabout junction.

- 2.3 The area around the scheme consists of mainly agricultural land, predominantly comprising grassland interspersed with field ponds and woodland areas. There is however a former quarry immediately to the north eastern extent of the route. In addition to the conurbation of Congleton to the south, there are a number of properties along Chelford Road, Back Lane and Giantswood Lane along with interspersed farm buildings in an area surrounding the route.

3. THE CASE FOR THE COUNCIL AS PROMOTING AUTHORITY

The material points are:

Background and Need for the Scheme

- 3.1 Full details of the Council's case are set out in its Statement of Case¹³, amplified by the written and oral evidence of its witnesses. Congleton is a large market town, with a population of 26,700, and is the third largest settlement in the Borough of Cheshire East¹⁴. The town suffers from serious road traffic congestion, which results in adverse impacts on the local environment including poor air quality and noise pollution. The town includes a number of air quality management areas (AQMAs). The congestion also contributes towards inadequate highway linkages between the principal centres of Cheshire East and the M6 motorway, which serves to frustrate economic growth.
- 3.2 These circumstances impact on local businesses. Congleton is becoming less attractive to inward investment and struggles to both retain and attract new employers. The current local road network is recognised in the Council's Local Plan Strategy (LPS) as insufficient to support the full requirement of future new housing and employment growth allocated for Congleton.
- 3.3 Four highways (the A34, A54, A536 and A534) converge in Congleton in order to cross the River Dane, creating a pinch point in the network. Thus, roads through the town carry both local traffic and through traffic which is travelling to destinations further afield, including Macclesfield and the M6. Roads close to the town centre are heavily congested, as a result of the volume of traffic, at peak hours in particular. To ensure that the analysis of local travel patterns and the subsequent development of the scheme was informed by contemporary data, the Council completed a programme of traffic surveys in 2012¹⁵. Traffic counts show that the road network in Congleton carries a higher proportion of heavy goods vehicles (HGVs) than the national average for roads of a similar type. Slow HGV traffic flows are also a key source of noise, vibration and air pollutants. The problems and issues being experienced within Congleton and the wider aspirations of the Council for the town were also considered at a local workshop event before the objectives for the scheme were developed.

¹³ CD/2

¹⁴ CD/1 Chapter 2

¹⁵ CEC/5/1 Chapter 2

- 3.4 Traffic conditions in the future, without the scheme, have also been modelled. Due to the level of development planned for the town, plus the impact of wider traffic growth, future traffic levels will be significantly higher than they are currently¹⁶. Traffic growth will exacerbate existing transport-related problems, such as congestion on the key routes through Congleton. Impacts on economic activity, visitor attractiveness, health and the environment will become more pronounced over time. It is in this context that the need for the CLR is considered and appraised.
- 3.5 Congleton functions as a commuter town with people travelling out of the town to access employment opportunities. The availability of local employment has fallen in Congleton in recent years with key employers moving out of the town to rival areas, citing the lack of suitable room to expand and poor transport links. Between 2009 and 2014, employment increased by 6% in Cheshire East and by 4% in Great Britain as a whole. However, in the town of Congleton, employment fell by an estimated 2%¹⁷. Over the last 15 years, companies known to the East Cheshire Chamber of Commerce have moved out of the town and relocated into some 30,000m² of business floor space elsewhere.
- 3.6 The 2011 Cheshire and Warrington Business Needs Survey found that 22% of the businesses surveyed in Congleton stated that transport infrastructure was a barrier to the growth of their business. The Radnor Park Trading Estate is a key employment location for the town. It is however poorly located with its principal access lying adjacent to the West Heath housing estate, and heavy goods vehicles using residential roads to access the estate. No significant additional HGV traffic associated with accessing an expanded site via the current access roads would be feasible on amenity and highways grounds.
- 3.7 Congleton Business Park is also a key employment location for the town. It is a modern mixed-use low density development with office (B1), industrial (B8) and warehouse (B2) properties within a high quality landscaped parkland environment. Access to the business park is via a cul-de-sac off an urban section of the A34 which is heavily congested in the peak hours and thus harms the efficiency of movement of goods and labour.
- 3.8 In summary, the volume of traffic currently travelling through Congleton is causing key junctions to operate above capacity, causing congestion throughout the A34 corridor. This congestion is having a negative impact on the environmental, social and economic performance of the town; thus supporting the need for the scheme.

Policy Considerations

- 3.9 The principle of the scheme is supported by national policy and is a key component of the Council's LPS which is now close to adoption¹⁸. It is also a key element of the Cheshire and Warrington Strategic Economic Plan (SEP)¹⁹. The adoption of the LPS is anticipated in July 2017. In terms of consistency, all policies were fully prepared in the context of the NPPF. All have been subject

¹⁶ CD/4/41

¹⁷ CD/1 Chapter 2

¹⁸ CEC/2/1 Chapter 2

¹⁹ CD/2 Chapter 3

to Examination hearings and, where necessary, changes have been proposed directly as a consequence of that process. The Inspector has reached his view on main modifications. As a consequence, all LPS policies must now be considered to be fully aligned with NPPF advice.

- 3.10 The scheme objectives are identified within the LPS. Early consultation stages for the LPS included individual town strategies. The town strategy for Congleton, developed in conjunction with an advisory stakeholder panel of the Town Council, community partnerships, local businesses and community groups, identified the delivery of the CLR as a key objective to deliver improvements to the existing road network²⁰. The panel also identified support for economic growth at the Radnor Park Trading Estate and Congleton Business Park, amongst other objectives.
- 3.11 In addition to the many highway benefits, the scheme would also bring forward significant new development by opening up new areas of land on the north side of Congleton. Around 2,500 new homes and 17ha of business land would either be directly accessed or facilitated by the new road²¹. The three major LPS Sites at Back Lane, Congleton Business Park and Giantswood Lane are dependent on the scheme whilst related sites would also significantly benefit from it.
- 3.12 The scheme enjoys full planning permission. The Secretary of State was firmly of the view that the planning decision on the proposal should be made locally and that the application should not be called in. The CPO will therefore support the implementation of the Council's planning strategy for Congleton and indeed the wider borough.
- 3.13 The scheme is a key element in bringing forward a sustainable and viable transport network for the wider area. It is consistent with up-to-date development plan policies, with one of its purposes being to provide a new strategic highway route in the locality to support growth as set out in the Council's LPS. It would assist in delivering the 3 dimensions of sustainable development (economic, social and environmental), set out in the NPPF²². As such, it clearly represents sustainable development.

Scheme Objectives, Development and Details

- 3.14 Having identified the problems and issues facing Congleton, the Council developed a set of scheme objectives for proposals to address them²³:
- to support the economic, physical and social regeneration of Congleton by creating and securing jobs;
 - to relieve existing town centre traffic congestion and HGVs, remove traffic from less desirable roads and facilitate town centre regeneration;
 - to open up new development sites and improve access to the Radnor Park Trading Estate and Congleton Business Park;

²⁰ CD/1 Chapter 2

²¹ CEC/2/1 Chapter 6

²² CEC/2/1 Chapter 3

²³ CEC/5/1 Chapter 3

- to improve strategic transport linkages across the Borough, facilitating wider economic and transport benefits;
- to reduce community severance along key town centre corridors; and
- to reduce traffic related pollutants within the towns declared AQMAs.

3.15 To address these objectives, a broad range of potential options across different modes of transport were identified, with a total of 28 options being considered initially. These options were then sifted using criteria based on their contribution to the objectives, deliverability and feasibility. The remaining 17 options were then assessed using the Department for Transport's (DfT's) Early Assessment and Sifting Tool. Nine options only provided a 'low' contribution to the problems and scheme objectives, and these were discounted. The remaining 8 options were shortlisted by the Council and subjected to a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis to assess them in greater detail. The SWOT analysis concluded that:

- the 'Preferred Option' was the link road to the north of Congleton connecting the A534 Sandbach Road to the A536 Macclesfield Road; and
- a 'Low Cost Option' would be a series of on-line improvements on the existing A34 through Congleton.

3.16 An economic appraisal analysis²⁴ has shown that in comparison to the Preferred Option, the Low Cost Option would:

- generate significantly less transport benefits;
- create significant construction disruption over a longer period;
- fail to future-proof the transport network;
- exacerbate current noise and air quality issues in Congleton;
- fail to alleviate the identified town centre severance issues;
- generate less Gross Value Added (GVA) benefits;
- not have public support;
- not provide access to all allocated development sites; and
- not improve access to the Radnor Park Trading Estate.

3.17 For a combination of the reasons outlined above, the Low Cost Option was subsequently discounted. The Preferred Option, a link road route corridor to the north of Congleton, was then divided into four Route Options. These options were then assessed and the Route Options taken to public consultation. The consultation process introduced numerous alternative alignments to the Route Options which were also considered, with some incorporated into the relevant Route Options. Following the completion of the consultation process,

²⁴ CD/3/22

the Council approved a 'Preferred Route', which involved a combination of two of the route options.

- 3.18 The Preferred Route was then the subject of a four week pre-planning consultation including exhibitions, publicity and meetings. Whilst 95% of respondents were partly or fully in favour of the scheme, further changes were made to the scheme as a result of responses received. This led to the 'Modified Preferred Route' (MPR)²⁵.
- 3.19 The MPR was then taken forward into design of the scheme. The design has been undertaken in accordance with appropriate standards and a Stage 1 Road Safety Audit has been completed. The mainline road has a 100kph design speed, apart from a single bend where the design speed is reduced to 85kph with appropriate driver awareness measures. Side road design speeds are based on existing circumstances. The design includes 14 departures from standards, all related to side roads and all of which have been assessed as appropriate and safe. The Council has employed the services of a consulting contractor to provide advice regarding construction methodology and programme and to demonstrate that the works can be constructed within the land and timescales required.
- 3.20 The planning permission for the scheme includes a condition relating to traffic management matters to address changes to traffic routing around the scheme²⁶. Furthermore, a traffic regulation order would be made to control specific vehicular routing in Sandy Lane, at the south western end of the scheme.
- 3.21 The Council would have to apply to Natural England (NE) for licences in order to interfere with great crested newts, bats and badgers. NE is of the view that there is no reason why a European Protected Species Licence would not be forthcoming as standard mitigation protocols have been applied as described in the ES. Consent from the Environment Agency (EA) would be required for the discharge of highway drainage into controlled waters. Scheme design has been undertaken in consultation with the EA, whose comments and views have been taken into account.
- 3.22 The latest cost estimate for the scheme at 31 March 2016 is £90.8m, £5.6m of which has already been incurred by the Council²⁷. Of the £85.2m future costs, the DfT is expected to contribute £45m via the Cheshire and Warrington Growth Deal, £23.7m is expected to come from developer contributions and a further £16.5m from the Council. Because private sector contributions will be received over a period of time, the Council does not seek to rely on such contributions for the delivery of the scheme, and it has agreed in principle to underwrite these costs. The Council also has sufficient resources to fund immediately any acquisitions which may be required due to the service of a blight notice.

²⁵ CEC/3/1 Chapter 4

²⁶ CD/1 Chapter 11

²⁷ CEC/1/1 Chapter 7

Performance of the Scheme Against its Objectives

- 3.23 The Council's LPS includes two large employment allocations to the north of Congleton. These are at Back Lane/Radnor Park and the Congleton Business Park Extension. In terms of the creation and securing of jobs, the scheme would provide the Back Lane/Radnor Park allocations with a new access route, avoiding both existing residential areas and the congested A34 through Congleton. The North Congleton Masterplan allocates approximately 8 ha of employment land for these sites, none of which currently has suitable access provision and is therefore 'land locked'. The scheme would provide a new high quality access point for this allocation and also the existing Radnor Park Trading Estate.
- 3.24 The scheme would also provide the Congleton Business Park with a new through road, directly accessing the CLR and thereby improving highway linkages. Approximately 3 ha of the land allocated for employment use at this site is also effectively land locked and cannot be accessed without the scheme. Existing businesses on the Radnor Park Trading Estate and the Congleton Business Park are seeking to expand; improving access would also help secure existing employment in Congleton.
- 3.25 Given the existing access issues to these two sites and the existing traffic congestion within Congleton, it is highly unlikely that these sites could be delivered in full without the scheme.
- 3.26 A Gross Value Added (GVA) assessment has been undertaken based on the number of jobs likely to be created by the Back Lane/Radnor Park developments and the Congleton Business Park Extension²⁸. This assessment shows that the scheme could add a net £2m to the local economy in 2020 (scheme opening year) rising to an additional net £13m per annum in 2035 (scheme design year) once the development is built out. It is estimated that over the course of the 60 year appraisal period, the scheme would add an additional net £570m to the local economy.
- 3.27 In terms of traffic benefits, the scheme is forecast to generate average journey time savings of over 7 mins in the scheme opening year for strategic traffic that passes through Congleton which would be able to divert onto the CLR²⁹. This scale of saving fits into the DfT's highest category of journey time saving³⁰. Reducing congestion on the A34 corridor through Congleton would also mean that other routes within Congleton which are currently congested, such as the A54, would benefit, with junction priorities changed to reflect the new levels of demand. The scheme would also reduce the amount of rat-running traffic due to the fact that strategic traffic would divert onto the CLR thus alleviating congestion on the main routes through Congleton.
- 3.28 The scale of the journey time savings is forecast to grow in the future, as the level of traffic and number of developments in Congleton increases. Analysis has also been undertaken on the impact of the proposed development within

²⁸ CEC/5/1 Chapter 6

²⁹ CD/1 Chapter 2

³⁰ CD/3/22

the LPS on traffic conditions across the entire Congleton modelled area. Without the scheme, average speeds are expected to reduce by up to 21% in the peak periods and total delay across the entire network could increase by up to 289%³¹. This would have a significant impact on the operation of the existing network due to the high levels of congestion that are already present, thus further reinforcing the need for the scheme.

- 3.29 A reduction in the number of accidents is also predicted to occur as traffic transfers to higher quality, better designed roads³². An assessment of the potential accident benefits generated by the scheme has been undertaken using the industry standard software programme COBALT (Cost and Benefit to Accidents – Light Touch) used to assess accident benefits. The scheme is forecast to generate over £30m of benefits over a 60 year period.
- 3.30 Environmental benefits would relate to air quality, noise and human health³³. The scheme would result in significant benefit to the air quality experienced in the centre of Congleton, especially in the AQMAs. The air quality assessment included in the ES considered predicted nitrogen dioxide (NO₂) levels for representative receptors in each of the three AQMAs. This has indicated that all the receptors in the three AQMAs would experience a reduction in NO₂.
- 3.31 The scheme would also cause some benefit in terms of noise levels in the centre of Congleton, especially associated with the noise Important Areas (nIAs) identified by the Council. For those properties within the nIAs in Congleton town centre (West Road, Rood Hill and Rood Lane), negligible to minor noise benefits are expected as a result of traffic bypassing Congleton town centre. Although the benefits from this noise reduction would be small, these nIAs have dense housing, so the number of receptors experiencing this reduction in noise would be large. For the other nIAs outside of the town centre (Wallhill Cottage and Brookside Cottages), negligible adverse impacts are predicted. This would be as a result of an increase in traffic coming into and out of Congleton as a result of the scheme being built. These nIAs however have a low density of housing. The number of receptors experiencing the increase in noise would therefore be low, so overall there would be a noise benefit resulting from the CLR.
- 3.32 A health impact assessment was carried out to determine the potential effects on human health of the scheme in order to work towards better health outcomes through the design and planning of the scheme. The assessment concluded that the scheme is expected to have health benefits in terms of air quality, noise and the improvement of non-motorised user (NMU) access, active transportation and physical activity within the town centre.
- 3.33 In terms of new housing, the Council's LPS proposes to allocate 4,150 new homes to Congleton; with 2,475 of these allocated to the North Congleton area. With this level of planned growth and the existing described traffic conditions, there would be a severe cumulative impact in the absence of substantial mitigation. Traffic modelling undertaken for the LPS explored alternative

³¹ CD/3/28

³² CEC/4/1 Chapter 3

³³ CD/1 Chapter 2

strategies, but concluded that only the CLR can fully support the level of total growth required for Congleton. This approach is now incorporated into the LPS – Proposed Changes policies. In addition, several of the allocated housing sites, for up to 625 new homes, are currently physically land locked and are therefore totally dependent upon the scheme.

- 3.34 A thorough appraisal of scheme costs and benefits in accordance with the DfT’s published Technical Analysis Guidance (WebTAG) has been undertaken³⁴. This economic assessment shows that the scheme is forecast to generate a Benefit to Cost Ratio (BCR) of 2.8. The scheme therefore represents High Value for Money based on DfT guidance. Two sensitivity tests have been undertaken to investigate uncertainty regarding traffic growth forecasts. In the high growth scenario, the scheme BCR rises to 3.7. In the low growth scenario, the scheme BCR falls to 1.6 which represents medium value for money.
- 3.35 Following adoption of the Council’s LPS, development sites within the plan will have more likelihood of completion³⁵. The level of development in future years is therefore likely to be greater than that assumed in the core appraisal scenario. Hence, there is a high degree of confidence that the true benefits of the proposed scheme are likely to be between those estimated for the core and high growth scenarios.
- 3.36 In view of all the above points it is clear that the scheme would satisfy its objectives.

Environmental Assessment and Other Scheme Impacts

- 3.37 The scheme has been the subject of an Environmental Impact Assessment (EIA) carried out in September 2015, in association with the planning application³⁶. As a result of the consultation process on the application, a number of design changes were made prior to determination of the application³⁷. These included amendments to drainage and noise mitigation proposals, additional habitat mitigation/compensation areas and additional NMU provisions. These design changes led to the preparation of an addendum to the ES in May 2016. This addendum updates elements of each of the sections of the original ES. Details of specific impacts are set out in the following sections.

Landscape and Visual Impacts

- 3.38 A landscape and visual impact assessment was carried out in accordance with the Design Manual for Roads and Bridges (DMRB) and the GLVIA³⁸. The proposed scheme would result in adverse effects on landscape elements, landscape character and visual receptors³⁹. Effects would be greatest during construction due to vegetation loss, soil stripping, material storage and the presence of construction compounds, activity and vehicles in the landscape. Planting would help to restore vegetation lost during construction, reinforce field

³⁴ CD/4/6

³⁵ CD/1 Chapter 6

³⁶ CD/3/8 ES Chapter 1

³⁷ CD/3/8 ES Addendum Chapter 1

³⁸ Guidelines for Landscape and Visual Impact Assessment (GLVIA); 3rd Edition - Landscape Institute and Institute of Environmental Management and Assessment

³⁹ CD/3/8 ES Chapter 6

boundaries, soften earthworks and screen views resulting in many adverse effects being temporary until 15 years after construction.

- 3.39 The most sensitive landscape features and landscape characteristics are found in the River Dane valley. Planting would help to soften earthworks and screen views of traffic, but significant adverse effects would remain after mitigation. Elsewhere across the study area, adverse effects would remain after mitigation, but these would not be significant.
- 3.40 Visual receptors closest to the proposed scheme would see the greatest change in views. Construction activity, vegetation loss and the presence of earthworks, structures and moving traffic would deteriorate the quality of views at 8 properties and three public rights of way and would result in significant effects. Planting would help to soften road features and screen moving traffic, but significant effects would remain for most of these receptors after mitigation. The post consultation changes in design would increase the significance of effect at one of the 8 receptors and add a significant effect in the area of Back Lane due to the provision of a noise mitigation barrier⁴⁰. Elsewhere, false cuttings, bunds, grading out of slopes and establishment of mitigation vegetation would help to reduce adverse visual effects, and in some cases return views to similar to existing.

Ecology

- 3.41 An ecological impact assessment was undertaken in accordance with the methodology provided in the Guidelines for Ecological Impact Assessment⁴¹ and DMRB⁴². This included consultation with statutory bodies and relevant wildlife organisations.
- 3.42 The development of mitigation measures for the ecological impacts identified as part of the scheme design was an iterative process, which developed as new ecological data was collected from the assessment⁴³. Ecology constraints were a key consideration in the final route selection, and the scheme has been designed to avoid sensitive habitats such as ponds, marshy grassland, semi-improved grassland and woodland blocks where practicable. An open-span bridge design would be used to cross Loach Brook and the River Dane, to prevent or reduce ecological impacts, and artificial road lighting would not be included in the scheme.
- 3.43 The scheme has been designed to minimise loss or damage to all important habitats, with particular attention to habitats of importance for biodiversity at the local level or above as far as practicable within the confines of the scheme. Where impacts to important ecological features are unavoidable, mitigation/compensation measures would be implemented to off-set impacts as much as is practicable, including the provision of new native species rich planting and habitat creation. These mitigation areas would be provided on a like for like basis as a minimum.

⁴⁰ CD/3/8 ES Addendum Chapter 3

⁴¹ Institute of Ecology and Environmental Management: 2006

⁴² CD/3/8 ES Chapter 7.2

⁴³ CD/3/8 ES Chapter 7.9

- 3.44 The scheme has also been designed to incorporate opportunities for ecological enhancement by connecting habitat creation areas and existing retained habitats⁴⁴. This has included the connection of woodland and scrub habitats along the scheme to improve existing wildlife dispersal corridors. This has involved a landscape scale approach to the mitigation and enhancement of habitats which in turn would have resultant benefits for the fauna that are supported by sustainable habitats.
- 3.45 There are no anticipated construction or operation impacts to any internationally or nationally designated sites. There are two Cheshire Local Wildlife Sites (LWSs) which would be susceptible to construction and operation impacts. These two LWSs comprise significant areas of ancient woodland and are associated with the River Dane corridor in the location where the scheme would cross the River Dane. The scheme would result in the permanent loss of approximately 2,094m² of ancient woodland. In order to compensate for the loss of ancient woodland, an Ancient Woodland Compensation Plan would be developed in consultation with the Cheshire Wildlife Trust and NE. A number of options for compensation would be trialled within an area of agriculturally improved grassland immediately adjacent to the area of ancient woodland which would be lost. This compensation area would be acquired through the CPO to address this essential compensation requirement. As a consequence of all of the above, the scheme would result in residual moderate impacts of significance at the county level⁴⁵. NE has confirmed that they had no objections to the ecological mitigation measures detailed in the ES⁴⁶.
- 3.46 Barn owls are highly susceptible to road traffic collisions and large road schemes are known to have impacts upon barn owl populations up to 8km either side of such schemes. Therefore, the scheme is likely to have a permanent impact on barn owls at the local level. Once the habitat creation works have had time to establish and mature after 15 years of opening however, it is anticipated that residual impacts to broad-leaved semi-natural woodland, scattered mature trees, hedgerows, wintering and breeding birds would be significant at the site level only. For other ecological features, the implementation of mitigation measures would reduce residual impacts to insignificant levels in the year of opening or before.
- 3.47 Therefore, in accordance with the Highways Agency's Interim Advice Note 130/10 and excluding impacts to ancient woodland, a slight impact is expected for the scheme 15 years after opening. All of the above conclusions are corroborated by the lack of objections on ecological grounds from either the Council or NE as part of the planning determination process for the scheme which was accompanied by the ES and its Addendum. There were also no objections from any other environmental body or interest group⁴⁷.

⁴⁴ CD/3/8 Chapter 7.9

⁴⁵ CD/3/8 Chapter 7.13

⁴⁶ CEC/6/1 Chapter 2.2

⁴⁷ CEC/6/1 Chapter 4

Cultural Heritage

- 3.48 An assessment of the potential impacts of the scheme on cultural heritage has been prepared in accordance with guidance provided by the DMRB⁴⁸ and following consultation with English Heritage⁴⁹. A total of 61 cultural heritage assets were identified within the study area. A further 8 listed buildings and one historic landscape type are located outside the study area, but were included so that potential impacts on the settings of these assets could be assessed.
- 3.49 Physical impacts on 16 undesignated archaeological remains are predicted to result from construction of the proposed scheme. After mitigation, the residual significance of impact on these assets is predicted to be neutral. No impacts on archaeological assets are predicted during operation of the scheme.
- 3.50 Impacts on 18 historic buildings are predicted during construction and operation of the scheme, including physical impacts on two assets and the remainder having impacts on their setting. After mitigation, the residual significance of impact during operation of the proposed scheme is predicted to be slight for three assets. Impacts on five historic landscape types are predicted to result from construction of the scheme. After mitigation, the residual significance of impact is predicted to be neutral for all five assets.
- 3.51 A suggested programme of further investigation and mitigation has been identified to provide information on parts of the scheme. This would be where there is the potential for previously unrecorded archaeological remains to be present and to mitigate the predicted impacts in those areas where archaeological remains have been identified. Measures are also proposed to mitigate impacts on the setting of historic buildings and for the removal, storage and reinstatement of a milestone that would be removed during construction of the proposed scheme. Any programme of works would also need to be accompanied by a written scheme of investigation agreed in writing with the Development Control Archaeologist for the Council.

Air Quality

- 3.52 The scheme would reduce traffic flows through the centre of Congleton and change traffic flows on other roads in the surrounding area. This would have the potential to change ambient air quality concentrations at nearby receptors. A detailed assessment has therefore been undertaken, in accordance with Government guidance⁵⁰ to establish the potential effects of the scheme on local and regional air quality⁵¹. A detailed qualitative assessment of the potential effects from dust deposition during the construction phase has also been undertaken⁵².

⁴⁸ CD/3/8 Chapter 8.1

⁴⁹ CD/3/8 Chapter 8.3

⁵⁰ CD/4/29 and CD/4/30

⁵¹ CD/3/8 Chapter 9.1

⁵² CEC/7/1 Chapter 3

- 3.53 Three AQMAs have been designated within the centre of Congleton, due to NO₂ concentrations either exceeding the current Air Quality Objective (AQO), or being at risk of breaching it. The main pollutants of concern in this assessment are those associated with vehicle exhaust emissions; NO₂ and fine particulate matter (PM₁₀).
- 3.54 The local air quality assessment predicted that 24 of the 214 receptors within the assessment area would exceed the NO₂ AQO during 2017 without the scheme⁵³. All of these 24 receptors are located in the West Road and Woodlands AQMAs along the A34, with 12 receptors in each. The assessment indicated that the scheme would result in a reduction in NO₂ concentrations at all of these 24 receptors⁵⁴. The 12 receptors within the Woodland AQMA are predicted to experience a reduction in NO₂ concentrations that would remove their AQO exceedances. For receptors in the West Road AQMA, where the NO₂ AQO would still be exceeded with the scheme in place, decreases in NO₂ concentration would occur.
- 3.55 In areas close to the scheme, the assessment indicated that nearby receptors are predicted to experience increases in NO₂ concentrations. These increased concentrations would however be well below the current NO₂ AQO levels. PM₁₀ concentrations are also not predicted to exceed the annual mean AQO, or the equivalent of the 24 hour mean AQO of 32 µg/m³, at any receptors in the study area.
- 3.56 The construction dust assessment indicates that there are low to medium risk sources of dust⁵⁵. The implementation of mitigation measures, the dust management plan and the construction environmental management plan (CEMP) would however reduce these potential impacts to slight adverse for receptors located within 20m of the construction works. These are considered to be acceptable levels.
- 3.57 There is therefore considered to be a significant beneficial effect on local air quality as a result of the scheme.

Noise and Vibration

- 3.58 An assessment of noise and vibration for the proposed scheme has been undertaken in accordance with national guidance, including DRMB⁵⁶.
- 3.59 Whilst there are relatively few sensitive receptors in close proximity to the scheme, there is the potential for temporary significant noise and vibration construction impacts at some locations⁵⁷. This would be likely to be during bulk earthworks, bored piling works or if paving works were required during evenings or night time periods.
- 3.60 Of the construction activities proposed, those associated with vibratory earthwork compacting works and bored piling would be likely to give rise to the

⁵³ CEC/7/1 Chapter 3

⁵⁴ CD/3/8 Chapter 9.10

⁵⁵ CD/3/8 Appendix F

⁵⁶ CD/3/8 Chapter 10

⁵⁷ CEC/8/1 Chapter 4

highest vibration levels⁵⁸. Based on the vibration predictions undertaken, it was concluded that there is the potential for perceptible vibration at the nearest residential properties, but damage to buildings is considered unlikely.

3.61 In terms of mitigation for construction, a number of measures would be implemented to ensure that noise and vibration levels would be attenuated as far as reasonably practicable.

3.62 Mitigation measures would also be incorporated into the design during the development of the scheme and include:

- route selection to minimise the number of sensitive receptors;
- a low noise road surface;
- siting parts of the scheme within cuttings where feasible;
- incorporating additional bunds into the scheme design in areas where noise mitigation would be beneficial; and
- reflective noise barriers.

3.63 For those properties in closest proximity to the CLR, major adverse noise impacts are still predicted on scheme opening. For properties on some of the main routes into Congleton minor benefits are expected on scheme opening. This would be likely to be due to road traffic re-routing from the town centre to the CLR. Receptors on roads that connect the wider road network to the CLR are also expected to experience adverse impacts on scheme opening, some of which would be perceptible.

3.64 For those properties within the three nIAs within Congleton town centre, negligible to minor noise benefits are expected, as a result of traffic by-passing the town centre. For the other two nIAs, negligible adverse impacts are predicted, as a result of additional traffic being drawn towards Congleton as a result of the proposed scheme being built.

3.65 With the CLR and mitigation measures in place, there are predicted to be a total of 1,311 sensitive receptors which would experience perceptible adverse noise impacts, compared to 1,396 which would experience perceptible beneficial noise impacts⁵⁹.

3.66 The Significant Observed Adverse Effect Level (SOAEL) is defined as the level above which significant adverse effects on health and quality of life occur. Consideration has also been given to properties predicted to experience noise levels greater than the SOAEL and seeing perceptible noise increases or decreases as a result of the scheme. In the short term, 14 receptors would be likely to experience significant adverse effects, whilst 173 would be expected to experience significant beneficial effects. Therefore, in terms of significant effects in the short term, it is considered that the proposed scheme would have a beneficial effect.

⁵⁸ CEC/8/1 Chapter 4

⁵⁹ CEC/8/1 Addendum Chapter 4

- 3.67 In the longer term, properties in close proximity to the CLR are expected to experience moderate or major adverse noise impacts⁶⁰. For properties on some of the main routes into Congleton, negligible beneficial impacts are expected. This is again likely to be due to traffic rerouting to the link road to bypass Congleton town centre. Receptors on roads that connect the wider road network to the CLR are expected to experience adverse impacts, some of which would be perceptible.
- 3.68 The CLR would improve the situation for all three nIAs within Congleton town centre in the long term, compared to the situation without the scheme in place. For the other two nIAs, negligible adverse impacts are predicted, as a result of additional traffic being drawn towards Congleton as a result of the scheme.
- 3.69 Considering SOAEL levels, in the long term daytime period, 10 receptors would be likely to experience significant adverse effects, whilst one is expected to experience a significant beneficial effect. Conversely, without the scheme in place, 58 receptors would be likely to experience significant adverse effects, whilst none would be expected to experience significant beneficial effects. A similar situation is seen for the night-time period. Therefore, in terms of significant effects in the long term, it is considered that the CLR scheme has a beneficial effect.

Water Environment

- 3.70 An assessment of the effects of the proposed scheme on the water environment has been carried out in line with the guidance in DMRB⁶¹. With the exception of the moderate adverse impact on the biodiversity of the River Dane from the construction of two outfalls, all of the residual effects during construction have been assessed as slight adverse or neutral⁶². The impacts arising during construction would be short-term. All of the residual operational impacts on surface water have been assessed as neutral. The residual operational impact on groundwater quality and supply and vulnerability has been assessed as moderate adverse. This would be addressed by the use of soakaways in areas where there is a pollution risk.
- 3.71 A Water Framework Directive (WFD) assessment has also been carried out⁶³. The proposed route would affect two WFD main water bodies, Loach Brook and the River Dane, and cross three minor watercourses which are tributaries to the River Dane⁶⁴. The assessment concludes that, with the inclusion of mitigation measures in the scheme design, the scheme would not prevent the water bodies achieving WFD Good Ecological Status by 2027 and would not affect the status of other water bodies upstream or downstream of the scheme⁶⁵.
- 3.72 A Flood Risk Assessment (FRA) has also been undertaken as the extent of the proposed scheme within Flood Zone 1 exceeds 1ha and coincides with areas of

⁶⁰ CEC/8/1 Chapter 4

⁶¹ CD/3/8 Chapter 12.1

⁶² CD/3/8 Chapter 12.13

⁶³ CD/3/8 Chapter 13.1

⁶⁴ CD/3/8 Chapter 13.2

⁶⁵ CD/3/8 Chapter 13.9

Flood Zones 2 and 3 where it crosses the River Dane and Loach Brook⁶⁶. Both bridges would span the respective flood plains and would have significant clearance between water surface and soffit. The FRA has therefore determined that they would have a negligible effect on the river levels and flood extents.

- 3.73 There is potential for a significant increase in rainfall runoff from the scheme. A drainage strategy has been developed to restrict the runoff to existing watercourses and drainage systems that would result in a nominal benefit to receiving waters for events in excess of the mean annual flood event. Increased flood risk in the future, as a result of climate change, has been taken into account in the design of the scheme such that the impact of climate change on fluvial flood risk and surface water would continue to be neutral.
- 3.74 Flood risk to the proposed development has been found to be low for all flood sources considered. The flood risk arising due to the development would also be low as mitigation measures have been designed into the scheme. The scheme passes the Exception Test as it has been shown that: the proposed development would provide wider sustainability benefits to the community; the development would be safe from flooding; and the development would not increase flood risk elsewhere.

Other Matters

- 3.75 A number of potentially adverse impacts were identified associated with the disturbance of land contamination specifically relating to isolated areas of soils⁶⁷. The likelihood of such impacts occurring is however considered to be low, given the limited extent of significant potential contamination sources. An inspection and discovery strategy would set out clear procedures for dealing with areas of unforeseen contamination to ensure protection of human health, controlled waters and the environment.
- 3.76 In addition, potential impacts on the local groundwater abstractions have been identified, although the risk is again considered to be low. This risk would be re-assessed during detailed design of the scheme.
- 3.77 In terms of users of the highway network and PRoWs, the impacts from various aspects of use would range from significant beneficial to insignificant adverse⁶⁸.
- 3.78 The scheme would have a beneficial effect on communities within the study area⁶⁹. After the application of the mitigation measures the scheme is expected to give rise to slight adverse residual impacts for all the agricultural receptors identified, apart from two farms which would suffer moderate adverse impact and two farms where the impact would be neutral.
- 3.79 An assessment has been made of the potential construction impacts of the scheme on traffic⁷⁰. Any unacceptable impact on the currently congested

⁶⁶ CD/3/8 Chapter 12.11

⁶⁷ CD/3/8 Chapter 11.2

⁶⁸ CD/3/8 Chapter 14.10

⁶⁹ CD/3/8 Chapter 15.11

⁷⁰ CD/3/8 Chapter 16.11

highway network in Congleton would be avoided by a temporary bridge over the River Dane.

- 3.80 A full health impact assessment for the scheme has been prepared⁷¹. The assessment concludes that the scheme is expected to have net beneficial health impacts on the community, especially if the roads through the centre of Congleton are subject to complimentary traffic management measures. It also concludes that any negative impacts associated with construction could be managed by the comprehensive mitigation plans proposed for the construction period.
- 3.81 The combined effects of different types of impacts from the development itself upon particular receptors have been considered during the construction and operation phases of the scheme⁷². These cumulative effects have been judged to be not significant. There are 11 future developments, which have received approval, that have been considered as part of the assessment of cumulative effects that are located within 1 km of the scheme. Most of these developments are located close to the CLR, and a number of combined construction effects to local residential and commercial users have been identified. Mitigation measures would be implemented to reduce these impacts, and therefore the significance of cumulative effects is considered to be minor adverse.

Procedural and Statutory Requirements

- 3.82 The relevant statutory requirements in respect of notice of the Orders and the Inquiry have all been complied with⁷³.

The SRO

- 3.83 The proposed stopping up of existing side roads and private means of access (PMAs), the improvement of existing side roads, the creation of new side roads and PMAs and the stopping up and diversion of PRowS have been informed by a process of engagement with those affected⁷⁴. The Council's Public Rights of Way Officers have been engaged in the process of drawing up the proposed footpath diversions⁷⁵. The statutory tests in relation to footpaths and PMA, set out in Sections 14 and 125 of the Highways Act 1980, would be met⁷⁶.
- 3.84 Some minor modifications to the SRO have been requested by the Council as a result of checking of the Order by the DfT and negotiations with objectors⁷⁷. These are all detailed in the modifications section, later in this report.

The CPO

- 3.85 No more land is proposed to be acquired than is necessary to implement the scheme, including its incorporated mitigation⁷⁸. Similarly to the SRO, some minor modifications to the CPO have been requested by the Council as a

⁷¹ CD/3/8 Chapter 17.1

⁷² CD/3/8 Chapter 18.5

⁷³ CEC/16

⁷⁴ CEC/10/1 Chapter 4.2

⁷⁵ CD/3/8 Chapter 14.3

⁷⁶ CD/2 Chapter 2

⁷⁷ CEC/24

⁷⁸ CEC/1/1 Chapter 1

result of checking of the Order by the DfT and negotiations with objectors. These are all detailed in the modifications section, later in this report.

3.86 The tests set out in the DCLG Guidance on Compulsory Purchase Process⁷⁹ would be met. There is a compelling case for the scheme being in the public interest, with no substantive challenge in any objection to the need for, or form of, the scheme. In resolving to exercise its CPO powers, the Council has given due regard to the Human Rights implications⁸⁰. The Council understands the need to strike a careful balance between the rights of the individual and the wider public interest and in this case, having regard to the availability of compensation, the interference with human rights is considered to be both justified and proportionate.

Summary of the Council's Case

- 3.87 The scheme is critical to the future economic growth of the Congleton area, and in particular presents a compelling case in terms of addressing transport barriers to growth and prosperity in the area.
- 3.88 The scheme would perform well against all of its stated objectives. The report to the Council's Cabinet⁸¹ confirms the economic benefits that the scheme would bring, whilst evidence to the Inquiry has also demonstrated how the scheme would deliver transport benefits⁸².
- 3.89 There would be a number of adverse impacts, most occurring during the construction phase. These would however be temporary and are considered acceptable when compared against the strategic need to address the poor transport infrastructure in Congleton. Many of the potential adverse impacts would be mitigated by design and the CEMP. It is notable that there is no objection by any statutory environmental body, including the EA and NE, either to the Orders or to the planning application.
- 3.90 The scheme has been subject to public consultation during its development and is supported by a wide range of stakeholders. It has planning permission and, subject to confirmation of the Orders, is in an advanced state of readiness, with some 50% funding committed and 50% funding having a good certainty of availability, such that construction could start in September 2018.
- 3.91 The overarching case for the scheme is strong and the relevant tests for confirming the Order powers sought by the Council are met. The Council therefore considers that the Orders should be confirmed, subject to the modifications set out later in this report.

⁷⁹ CEC/1/1 Chapter 1

⁸⁰ CD/1 Chapter 7

⁸¹ CD/3/9

⁸² CEC/5/1

4. THE CASES FOR THE SUPPORTERS

- 4.1 Two supporters submitted representations in favour of the scheme⁸³, and the points raised are set out below.

The material points are:

Cheshire and Warrington Local Enterprise Partnership⁸⁴

- 4.2 The Cheshire and Warrington Local Enterprise Partnership's (LEP's) SEP for the period to 2030 is about enabling major growth and transformation in our economy and adding renewed vigour to the economic fortunes of the North West and the nation.
- 4.3 It reflects the ambition of the LEP to look outside its area and connect into the two major cities of Liverpool and Manchester through the Atlantic Gateway (what Lord Heseltine and Sir Terry Leahy termed 'Britain's Second Engine of Growth'). It also looks to connect a Science Corridor linking key centres of excellence such as Thornton, Daresbury, Birchwood and Alderley Park into the science and research community in Manchester.
- 4.4 Sir David Higgins' report now proposes that Crewe be at the centre of the HS2 route as a super-hub at the heart of the country's major infrastructure network. Crewe is located at the centre of a strategic road and rail network with 4.9m people within one hour's travel. The LEP's future growth focuses on the potential provided by a 'cluster' of towns being at the centre of a strategic road network and Crewe being a super hub in the HS2 system.
- 4.5 The LEP believes that the CLR scheme is essential to fully unlock development opportunities to the north and west of Congleton for housing and employment. It is also essential to improve access to the existing Radnor Park Trading Estate and Congleton Business Park and to resolve key highway constraints through Congleton. The scheme would make a significant contribution to connecting Mid-Cheshire towns, improve sub-regional links into HS2 services at Crewe and support the overall LEP's Growth Deal ambitions and targets. The scheme would also help address the existing congestion and air quality issues experienced in the town. This would support town centre regeneration and improve the quality of life for both the residential and employment populations of Congleton. It would also support an increase in inward investment and the retention of existing businesses within Congleton making the area a more successful and prosperous place in which to live and do business. The LEP fully endorses the scheme.

Congleton Town Council⁸⁵

- 4.6 The Town Council has embraced the housing growth programme for Congleton, which is proportionally one of the largest in Cheshire East, as it recognises the opportunities that would result from it. The Town Council has also actively supported the CLR through the consultation and planning process, including support to ensure that the business community's needs are understood.

⁸³ SUP/1/1 and SUP/2/1

⁸⁴ SUP/1/1

⁸⁵ SUP/2/1

This support followed many years of lobbying for a link road to ease traffic problems in the town.

- 4.7 Congleton is the third largest town in Cheshire East. It aspires to grow its economy and has a desperate need for additional employment areas and improved access to current sites. The CLR would facilitate this and resolve many of the town centre's traffic problems.
- 4.8 The Town Council is clear in its support for the CLR as proposed and the need for this link road to the north of Congleton.

5. THE CASES FOR THE OBJECTORS

- 5.1 As noted previously, most of those who initially objected to the CPO and the SRO have reached agreement with the Council and have withdrawn their objections. Only one objector chose to speak at the Inquiry, with the other remaining objectors electing to rely on their written submissions.

The material points are:

Mr K Armstrong (OBJ 2)

- 5.2 Mr Armstrong objects to the CPO and has put forward an alternative route which would reduce the impact of the scheme on his land⁸⁶. He considers that, in terms of route selection, special consideration has been given to the avoidance of neighbouring land. This neighbouring land is used for equestrian purposes as a horse paddock and family use, which is commonplace in the locality. The equestrian use therefore has no greater value than the land in Mr Armstrong's ownership which would be subject to the CPO.
- 5.3 The avoidance of this neighbouring land necessitates a sub-standard curve on the proposed CLR road alignment, with the need for associated safety measures. The Council's claim that a previously identified route, similar to the alternative put forward by Mr Armstrong, would require an additional retaining wall has only recently been revealed. The CPO would also result in the loss of an area of woodland in the ownership of Mr Armstrong. Such woodland is in serious decline in the local area.
- 5.4 The alternative route put forward by Mr Armstrong would also be some 55m shorter than the scheme route and would require a less acute crossing of Chelford Road⁸⁷. Whilst it would be some 12m closer to properties on Chelford Road, these would still be some 240m from the centreline of the alternative route.
- 5.5 In terms of the safety of the sub-standard curve on the proposed alignment, it would have a design speed of 85kph or 50mph, compared to 100kph on the remainder of the CLR. The 320m radius bend would be between one and two steps below the desirable minimum and one step below the stopping sight distance desirable minimum. Furthermore, the curve may require special surfacing for safety reasons, and this could result in the generation of additional noise. This has not been assessed.

⁸⁶ OBJ/2/1 and OBJ/2/2

⁸⁷ OBJ/2/3

- 5.6 In a westbound direction, the curve would be approached from a straight section of carriageway. This could lead to higher vehicle speeds approaching the curve, and indeed the Council's Transport Assessment Report advises that, should there be an accident relating to this straight section of road, its severity would be severe. Whilst TD9/93 of DMRB suggests that departures could be acceptable where there would otherwise be disproportionately high construction costs or a severe impact on properties or people, this would not be the case here.
- 5.7 The alternative route would result in the radius of this curve being increased from 320 to 360m, which would mitigate the safety issues identified above. It would also reduce the moderate adverse noise impact on Mr Armstrong's property that would result from the current route of the scheme. The Council also appeared to have justified its route selection in this area on the basis of a saving of £200,000 from avoiding the horse paddock. This is notwithstanding that the Council has valued the horse paddock and the agricultural land at the same rate. The Council suggests that the alternative would require an additional retaining wall at an estimated cost of £800,000. This cost however could be reduced by the use of gabion wall construction at the Chelford Road crossing.
- 5.8 Mr Armstrong does not object to the scheme and understands the potential benefits it could bring to the area. The CPO should not however be confirmed as the Council has failed to pursue the best option. This is because the scheme would be more expensive, have a greater environmental impact and be sub-standard in design compared to the alternative put forward. Mr Armstrong would be prepared to withdraw his objection if the Council adopts the alternative route.

Rose Farm 1 Ltd and Rose Farm 2 Ltd (OBJ 3)

- 5.9 Rose Farm 1 Ltd and Rose Farm 2 Ltd object to the CPO and SRO⁸⁸. Some of the objector's concerns have been satisfied and some elements of the objection appear to have been withdrawn⁸⁹. The objection is made on the basis that the effect of the scheme on a field known as the Trig field is unknown, as is the access to the Brereton field in terms of its surfacing, width, future ownership and maintenance. The objector also considers that the proposed access to Sheard field using the Brereton field access would not be appropriate or necessary, as this land could be accessed from other parts of the holding which includes Sheard field. Such an arrangement would reduce the extent of the CPO with a saving in cost. Furthermore, the proposed footpath FP21 crossing of the CLR is unclear.

Mr SD and Mrs SE Hughes (OBJ 4)

- 5.10 This objection is made against the CPO on the basis that a landowner's human rights would be breached in relation to Article 8 of the European Convention on Human Rights and Article 1 of the First Protocol⁹⁰. The objection relates to unnecessary interference in respect of noise and vibration and the right to the

⁸⁸ OBJ/3/1

⁸⁹ OBJ/3/2

⁹⁰ OBJ/4/1

peaceful enjoyment of property not being outweighed by the public benefit or public interest. The objectors also do not consider that the Council has made meaningful attempts to negotiate with them in accordance with DCLG guidance. Whilst the objectors have indicated that they are now satisfied in relation to access, noise, vibration and visual intrusion, these elements of the objection have not been withdrawn⁹¹.

Mr A Scott (OBJ 6)

- 5.11 This objection, made against the CPO and the SRO, relates to the extent of permanent acquisition that is not demonstrably required⁹². Also, information has been provided late and in a confused manner leading to a lack of certainty on the part of the objector. An example is the 8 working days between the alternative order maps with the land interest schedule and the objection deadline. No reasonable efforts have been made to acquire the land in accordance with the Crichel Down Rules, and there has been a refusal to address issues that were capable of being addressed.
- 5.12 In detail, there is no justification for permanent acquisition where temporary or maintenance possession would be required, and this should have been negotiated using licences and compensation instead of the draconian CPO powers⁹³. As an example, Plot 3/11 could be the subject of a long lease or licence for mitigation works with shared rights to retain access. Furthermore, there has been no confirmation that the SRO would only be exercised if the CPO were to proceed and no confirmation that accesses affected by the SRO would be maintained.
- 5.13 Outstanding concerns relate to the linkage of negotiations between Plots 3/11 and 4/1, the Giantswood Lane land, and Plots 4/7 and 5/2, the A34 land. They also relate to fee reimbursement not being conditional on land transfer and the withdrawal of objections, the introduction of alternative maps and schedules after the Order was made, and no information on betterment impact.
- 5.14 The objection could be withdrawn if the Council: undertook meaningful temporary licence negotiations on Plots 3/11 and 4/1; entered into a lease agreement on Plot 3/11; entered into conditional agreements for the Giantswood Lane land with a meaningful non-returnable deposit; and entered into necessary access undertakings and compensation. Also, the Secretary of State should remove the land identified for essential licences or title mitigation from the Order.

Mr PH Winterton (OBJ 15)

- 5.15 This objection was made against the CPO⁹⁴. The objector considers that there has been inadequate dialogue on the part of the Council, particularly in relation to drainage and construction areas. It is also considered that negotiation should not take place against a background of the CPO and inadequate compensation and also that survey access has been sought without notice.

⁹¹ OBJ/4/2

⁹² OBJ/6/1

⁹³ OBJ/6/2

⁹⁴ OBJ/15/1

Mr A Pedersen (OBJ 16)

- 5.16 This objection was made against the SRO⁹⁵. Various elements of the objection were withdrawn prior to the Inquiry⁹⁶. Mr Pedersen appeared at the Inquiry, and the principle matters of objection that remain are as follows.
- 5.17 The scheme does not accord with the development plan, in that it would be very much focussed on Congleton and does not take into account the need for an improvement in the links between Macclesfield and the M6 motorway⁹⁷. Consultation on the scheme was also limited to Congleton and its vicinity, resulting in the need for a wide solution to being aired. This consultation process should be reviewed.
- 5.18 The scheme itself should be extended further to the west, by some 750m, to take into account, and improve, a bad bend on the A534 at Wallhill Lane. This would save journey time and reduce accident risk. The scheme should also be extended eastwards, by some 2.5km, to bypass Eaton village. This would avoid a section of the A534 which has a poor horizontal and vertical alignment and a speed limit of 40mph. It would also relieve severance, noise, vibration and air pollution within the village and would again result in savings in terms of journey times and accident risk.
- 5.19 The current extent of the scheme would result in little benefit to travellers passing through Congleton outside of peak hour congestion. They would therefore be inclined to use a route through the town centre outside of these times. The above additions to the scheme would result in it being more attractive to drivers outside of the peak times leading to greater benefits for the town centre.
- 5.20 All of the above matters show that there would only be a limited reduction of severance, traffic congestion and pollution that would result from the construction of the CLR to its current design. The scheme should therefore be returned to the Council with a recommendation for it to review its design with a view to including the enhancements set out above.

Matters Raised by Others in Written Representations

- 5.21 United Utilities Water Limited has no objection to the Orders, but is concerned that its assets are safeguarded⁹⁸. It wishes to be included in any further consultations to ensure that the necessary infrastructure measures are implemented in line with its delivery targets.
- 5.22 Mrs SM and Mr J Gomez do not object to the scheme⁹⁹. They would however wish an additional footpath to be provided to access nearby amenities and a bus stop provided to replace one moved for safety reasons some years ago.

⁹⁵ OBJ/16/1

⁹⁶ OBJ/16/2

⁹⁷ OBJ/16/3

⁹⁸ OP/1/1

⁹⁹ OP/2/1

6. THE CASES FOR THE COUNTER-OBJECTORS

6.1 As part of his objection to the CPO, Mr Armstrong has put forward an alternative alignment, as set out in his objection. This has been considered by the Council, and the following counter objections were submitted.

Somerford Holdings (CO-OBJ 1)

6.2 This counter objector does not object to the Orders but does object to the alternative route proposed by Mr Armstrong¹⁰⁰. Somerford Holdings has submitted a planning application for a change of use on part of its land from agriculture to showground. This is intended to bring an area into active use that would have various benefits for the business and the local economy.

6.3 Under the alternative route, land in the ownership of Somerford Holdings would be severed and further reduced in area and there would be no provision for access to this land. The planning application would be put at risk in the event that access cannot be provided to the site from the CLR. The alternative would also increase the level of compensation payable, which would not be in the interest of the public purse. Somerford Holdings therefore objects to this alternative alignment on these grounds.

Mr Winterton (CO-OBJ 2)

6.4 This counter objector also objects to the CPO¹⁰¹. Mr Winterton considers that the alternative alignment would sterilise more of his land and reduce development potential more than would be the case with the current scheme. This would lead to additional compensation having to be paid by the Council.

Ainscough Strategic Land (CO-OBJ 3)

6.5 This counter objector does not object to the Orders, but does object to the alternative route proposed by Mr Armstrong¹⁰². Ainscough Strategic Land has received a resolution on the grant of planning permission for up to 275 homes and 6.3ha of employment land. This followed close work with the Council, as a large part of the objectors land ownership was required for the CLR. Commencement of the housing and employment development is however dependent on the delivery programme for the CLR.

6.6 The counter objector has strong reservations that the progression of the alternative at this stage would severely delay the above development, for which there is a pressing need.

Mr and Mrs D and G Bell (CO-OBJ 4)

6.7 This counter objector does not object to the Orders but does object to the alternative route proposed by Mr Armstrong¹⁰³. It would appear that the alternative is presented to protect the interests of one affected party to the detriment of a number of others, which would become closer to the route.

¹⁰⁰ CO-OBJ/1/1

¹⁰¹ CO-OBJ/2/1

¹⁰² CO-OBJ/3/1

¹⁰³ CO-OBJ/4/1

- 6.8 It would also be disproportionate, as it would involve the potential loss of some 2 acres of equine grazing land, 300m of mature hedgerow, some 75 mature and semi-mature trees and 300m of grassed track amenity and wildlife corridor. The agricultural land which the alternative route seeks to preserve is farmed by a third party, unlike the equestrian land which is used by a family as their property. Finally, the maintenance of the agricultural land has been minimal over the past 35 years, unlike the equestrian land.
- 6.9 The alternative route therefore should not be progressed.

7. THE RESPONSE OF THE COUNCIL AS PROMOTING AUTHORITY

- 7.1 The Council responded to the objections that were not withdrawn in writing and by cross-examination of the objector who chose to present his case at the Inquiry. A number of withdrawals occurred during the course of the Inquiry. Withdrawals generally followed either the provision of further information relating to the scheme or specific agreements with the objector concerned. The Council's response to each of the remaining objections is set out below.

The material points are:

- 7.2 Mr K Armstrong (OBJ 2). The Council has assessed the alternative put forward by Mr Armstrong. It is satisfied that, in terms of the reduced alignment radius of the scheme compared to the alternative, the change from one to two steps below the desirable minimum for the curve would create no perceptible difference to drivers. Furthermore, similar speed mitigation would be necessary in either case¹⁰⁴. The mitigation would include a change in cross sectional environment, low noise pavement aggregate and solar studs¹⁰⁵. Should the design speed of the road under the scheme route remain at 100kph, wider verges would be required to achieve safe forward stopping sight distances. This would remove some of the change in cross sectional environment which is necessary as part of the mitigation measures.
- 7.3 The alternative route would require a retaining wall of 100m in length to retain access along Back Lane. A gabion alternative has been considered¹⁰⁶. This would however require temporary sheet piles or other similar construction methods and would be less effective than the proposed retaining wall. The gabion wall would cost some £500,000. The change in angle to the Chelford Road bridge for the alternative route would not have any effect on the bridge structure in terms of size or in terms of highway safety benefits¹⁰⁷.
- 7.4 Whilst the alternative could result in reduced noise at some properties, other properties could experience increases. There is very little to choose between the scheme route and the alternative, although the scheme route is considered to be marginally better from an operational noise perspective¹⁰⁸.

¹⁰⁴ CEC/1/1 Chapter 8

¹⁰⁵ CEC/4/1 Chapter 2

¹⁰⁶ CEC/21

¹⁰⁷ CEC/3/3 Chapter 2

¹⁰⁸ CEC/8/3 Chapter 3

- 7.5 The woodland that would be subject to the CPO is identified by NE as historic wood pasture and parkland habitat¹⁰⁹. It does not however contain veteran or ancient trees but several mature oak trees with underlying semi-improved grassland. There is no substantive difference in terms of the effects on Mr Armstrong's land, in relation to the main habitats present. However, there would be more marshy grassland and neutral grassland habitat loss with the alternative route as compared to the published route. Conversely there would be more woodland/plantation and amenity grassland with fruit trees habitat lost with the published route as compared to the alternative route¹¹⁰. On ecological grounds, there is no clear preference for either route.
- 7.6 Within the woodland areas that would be subject to the CPO, much of this land would be required on a temporary basis for a foul sewer diversion. On completion of the scheme, it would be offered back to Mr Armstrong as open grassland subject to maintenance rights. Areas required purely for the construction of the scheme would be restored to woodland.
- 7.7 The area identified as having an equestrian use has the benefit of planning permission for this purpose. Although the Council's assessment of value has used the same agricultural land values for both Mr Armstrong's and the equestrian use land, the Council's view is that this land has more social and amenity value than agricultural land. The scheme would therefore result in acquiring land from the least active use.
- 7.8 The Council concludes that there is clearly a compelling case for the construction of the scheme on the most beneficial route and, in view of all the above points, the objection should not be upheld.
- 7.9 Rose Farm 1 Ltd and Rose Farm 2 Ltd (OBJ 3). The Council has confirmed that access to the Trig field would be maintained from the A54, and therefore there would be no need for any new provision¹¹¹. The access to Brereton field would be 4m in width and surfaced with crushed limestone. The acquisition under the CPO would relate only to the necessary interest in order for this access to be provided, and statutory compensation payments would be made to existing landowners.
- 7.10 The access route to Sheard field would be fenced. It would replace an existing access which would be stopped up. There is no compelling case for the provision of a direct access from the CLR.
- 7.11 Footpath FP21 would be routed along the shared access to the roundabout at Sandy Lane. This is set out in the planning Design and Access Statement, and the details are supported by the Council's PRow officer. In view of all the above points, this objection should not be upheld.
- 7.12 Mr SD and Mrs SE Hughes (OBJ 4). The Council has been responsive to concerns raised in relation to noise and, in the area which is the subject of this objection, noise mitigation fencing has been changed to noise mounding¹¹².

¹⁰⁹ CEC/6/1 Chapter 3

¹¹⁰ CEC/6/1 Appendix 2 Fig 3

¹¹¹ CEC/1/1 Chapter 8

¹¹² CEC/1/1 Chapter 8

During the construction period, the worst case for noise in relation to the property at Oaklands would be during piling and ancillary works¹¹³. This could result in noise levels of 64dB_{LAeq}. This would however be below the daytime lower threshold or cut off value of 65 dB_{LAeq} set out in BS5228-1:2009 and A1:2014.

- 7.13 At Acorn Cottage, the noise level for this work would be 66 dB_{LAeq}. Whilst this noise level would lie above the threshold value already identified, if this work was to last less than one month, the noise level would not exceed the parameters set out in the BS. Should the work continue for more than one month, then noise mitigation measures, such as temporary screens, would be employed to keep noise levels within 65 dB_{LAeq}.
- 7.14 Compaction works and bored piling would result in some vibration. The ES records that, at distances greater than 9m from compaction works, whilst vibration may be perceptible, damage would be unlikely¹¹⁴. Here, Acorn Cottage and Oaklands would be some 38 and 75m from such works and damage would therefore be very unlikely. The ES also records that, at distances greater than 42m from bored piling works, whilst vibration may be perceptible, damage would be unlikely. Here, Acorn Cottage and Oaklands would be some 72 and 95m from such works and damage would therefore be very unlikely.
- 7.15 Operational noise in this area would be mitigated by the CLR being in a cutting, low noise road surfacing and earth bunding as a noise barrier. At a 2020 opening year at Acorn Cottage, the noise increase would be 3.2 dB_{LAeq}, and at the design year of 2035, 6 dB_{LAeq}. This would represent a moderate adverse impact, although it would be well below the SOAEL at which significant adverse effects on health and quality of life would occur. Furthermore, of the 6 dB_{LAeq}, 4 dB_{LAeq} would result from noise sources outside of the scheme.
- 7.16 At the opening year and design year at Oaklands, the scheme would have a negligible and minor adverse effect although, in the design year, the greatest contributor would be Chelford Road. Operational vibration would not be a significant issue due to the distances involved, and it therefore has not been assessed.
- 7.17 For the reasons set out above, the objection should not be upheld.
- 7.18 Mr A Scott (OBJ 6). The Council considers that it has entered into early engagement with the objector and that, if fee compensation is not thought to be reasonable, then the Lands Tribunal process is available to the objector¹¹⁵. The negotiations and the CPO have been progressed in tandem in accordance with the relevant guidance. The plans issued before the objection deadline were not an alternative, but showed the interest sought by agreement.
- 7.19 Plots 4/7 and 5/2 were owned by Verlux Trading Ltd, and their transfer to Mr Scott was something of a surprise to the Council. The betterment forms a significant set-off but negotiations stalled and a previous offer was retracted

¹¹³ CEC/8/1 Chapter 3

¹¹⁴ CEC/8/1 Chapter 3

¹¹⁵ CEC/1/2

after a lack of ownership clarity complicated matters¹¹⁶. In terms of general betterment, it is of note that some 17ha of Mr Scott's land ownership in this area is zoned in the Council's LPS for housing and employment purposes and a planning application has been submitted¹¹⁷. The land has no feasible access and the scheme would therefore be of significant benefit to the development of this land.

- 7.20 It is accepted that an essential licence would represent temporary occupation, but temporary occupation cannot be compulsorily acquired, and a CPO is therefore the Council's only acquisition option. Title mitigation concerns essential environmental mitigation areas where the scheme would have a significant effect on important ecological features such as European Protected Species, such as great crested newt, under the Habitat Regulations and ancient woodland under NE standing advice¹¹⁸. This would require the securing of control in perpetuity. A lease of 999 years has been considered, and this is an ongoing compensation issue. Construction period access would be a condition of any contract.
- 7.21 The Council has made all reasonable efforts with the objector, but there appears to be no prospect of a voluntary agreement. There is therefore no alternative to the Order and compensation is not a matter for the Inquiry. Accordingly, this objection should not be upheld.
- 7.22 Mr PH Winterton (OBJ 15). The Council considers that consultation with landowners and interested parties has been extensive and that compensation is not a matter for the Inquiry¹¹⁹. Tenants have also been contacted before access for surveys. In view of these points, the objection should not be upheld.
- 7.23 Mr A Pedersen (OBJ 16). Mr Pedersen is a non-statutory objector. In terms of the planning status of the scheme, it was identified in the Council's LPS and its Infrastructure Delivery Plan¹²⁰. These were the subject of wide consultation within Cheshire East and adjacent authorities under its duty to co-operate¹²¹. The scheme is also identified in the Cheshire and Warrington LEP SEP, and the LEP has submitted a letter of support for the scheme¹²². Transport for the North is required to take into account the region's LEP SEPs when advising Government on strategic transport infrastructure interventions across the North of England.
- 7.24 Various route options were considered through the appraisal process for the scheme, and the transport assessment fully considers impacts¹²³. The suggested western extension to the scheme was included in a comparative assessment of alternatives¹²⁴. This concluded that the improvement of the bend in the existing road alignment performed less well than the scheme in terms of severance and

¹¹⁶ CEC/10/1 Chapter 3

¹¹⁷ CEC/2/1 Chapter 5

¹¹⁸ CEC/6/1 Chapter 3

¹¹⁹ CEC/1/1 Chapter 8

¹²⁰ CEC/1/1 Chapter 8

¹²¹ CEC/2/3 Chapter 4

¹²² SUP/1/1

¹²³ CD/3/8 Transport Assessment

¹²⁴ CD/4/20

costs¹²⁵. It would thus represent an unfunded additional cost which could not be progressed¹²⁶.

- 7.25 The suggested eastern extension to the scheme was included in a preferred route announcement report¹²⁷. This extension however was not favoured in public consultation and had an impact on a nearby Tarmac quarry operation. It was therefore also found to represent an unfunded additional cost. The implementation of future traffic management in Eaton is also the subject of a planning condition imposed on the CLR permission. Future traffic management measures in Congleton would ensure that through traffic was directed and encouraged to use the CLR. Furthermore, neither extension would be prevented by the scheme.
- 7.26 In view of all the above points, this objection should not be upheld.

Responses to Representations

- 7.27 United Utilities Water Limited (UU) supports the principle of the scheme. It has however made representations to the effect that its infrastructure and services should not be affected. Its requirements have been incorporated into the design of the scheme. Condition 10 attached to the planning permission requires the scheme to have foul and surface water drainage in accordance with the submitted Flood Risk Assessment and Drainage Strategy Report¹²⁸. The Council confirms that it recognises the importance of continued consultation with UU during the detailed design and construction of the scheme. It undertakes to make arrangements accordingly in the event of the confirmation of the Orders¹²⁹ by the Secretary of State. This would ensure that UU's interests are adequately protected.
- 7.28 Mrs SM and Mr J Gomez do not object to the scheme and believe that it will be very beneficial in reducing traffic congestion. Their representation asks that consideration be given to the provision of a pavement adjacent to Sandy Lane to allow them to access local facilities and to the replacement of the bus stop between Sandy Lane and Hilltop Bungalow. The provision of a footpath link does not form part of the scheme¹³⁰. The need for a footpath, as suggested by Mr & Mrs Gomez, would however be assessed for consideration as a minor improvement under the Council's local highway works programme.
- 7.29 In relation to the bus stop, the Council has already undertaken that within three months of the opening to traffic of the scheme, the Council would install a bus stop close to its previous location. The Council now confirms that it will consult Mr & Mrs Gomez on the details of the new location.

Modifications Proposed to the Orders

- 7.30 As a result of negotiations with objectors and comments received from DfT, the Council is proposing a number of amendments to the SRO and the CPO.

¹²⁵ CEC/5/1 Chapter 7

¹²⁶ CEC/3/7 Chapter 1

¹²⁷ CD/3/12B

¹²⁸ CD/3/7

¹²⁹ CEC/26

¹³⁰ CEC/23

The Council is satisfied that the amendments are within the power of the Acts under which the Orders are made and that the amendments do not require any additional land to be taken.

7.31 For the SRO, the requested amendments have been submitted in tabular form¹³¹ and on modified plans¹³². A number of non-substantial amendments including changes to stated distances and a correction to the new principal road boundary over the River Dane¹³³ are requested following DfT comments. More substantial changes are also requested following these DfT comments. These relate, on Schedule 5 and Modified Plan No. 5, to the deletion of a new access 6, which is not now required, and consistency with the proposals shown for new access 8.

7.32 A number of other amendments are requested, arising from negotiations with objectors. In summary, these other amendments are:

Schedule 2 and Modified Plan No. 2¹³⁴

- The boundary of the new principal road on Modified Plan No. 2 has been amended as a result of the modification of CPO Plot 2/3.
- A new private means of access '9' has been added to Modified Plan No. 2.
- A new access '9' should be added to Schedule 2 under 'Reference number of new accesses'.
- These amendments relate to agreements in respect of CPO Plot 2/3 with Mr D and Mrs G Bell prior to the withdrawal of their objection.

Schedule 5 and Modified Plan No. 5¹³⁵

- New accesses 1 and 2 have been repositioned on Modified Plan No. 5.
- The repositioning of new accesses 1 and 2 should be reflected in an amendment to the corresponding distance in Schedule 5.
- These amendments relate to agreements with the RH Antrobus Will Trust prior to the withdrawal of its objection.

Modified Key Plan

- Amendments corresponding to those set out above.

7.33 For the CPO, the requested amendments have been submitted in tabular form¹³⁶ and on a modified map¹³⁷. In summary, they are:

Schedule Tables and Modified Map No. 2

- Amendments have been made relating to Plots 2/3, 2/4a and 2/4f on Modified Map No. 2. These should be reflected in the Schedule Tables.
- A new Plot 2/3c (New rights) has been added to Modified Map No. 2. This should be reflected in the Schedule Tables. Where this addition is shown in tabular form¹³⁸, Column 1 should read 'Plot 2/3c' and not '2/3a'.
- Plot 2/4e has been deleted from Modified Map No. 2. This should also be reflected in the Schedule Tables.

¹³¹ CEC/24

¹³² CEC/25

¹³³ CEC/25 Modified Plan No. 3

¹³⁴ CEC/25 Modified Plan No. 2

¹³⁵ CEC/25 Modified Plan No. 5

¹³⁶ CEC/24

¹³⁷ CEC/25 Modified Map No. 2

¹³⁸ CEC/24

- These amendments relate to agreements in respect of CPO Plot 2/3 with Mr D and Mrs G Bell prior to the withdrawal of their objection together with consequential amendments to adjoining plots owned by Somerford Holdings Ltd.

Schedule Tables and Order Map No. 5

- Plot 5/4 should be deleted from the Schedule Tables. This deletion has not been made on Order Map No. 5.
- This amendment has been agreed with Tarmac Trading Ltd prior to the withdrawal of its objection.

Schedule Tables and Modified Map No. 2 and Order Map No. 3

- Other amendments following DfT comments. These amendments have been made on Modified Map No. 2 but not on Order Map No. 3.

Overall Summary of the Council's Case

7.34 DCLG guidance¹³⁹ emphasises that, as a matter of Government policy, a CPO should be made only where there is a compelling case in the public interest. As the Council's evidence as Acquiring Authority has demonstrated, it has a comprehensive justification for the need for the CPO¹⁴⁰. The need for the scheme underlying the making of the Orders is overwhelming and its benefits are not seriously challenged. Without the confirmation of the Orders, those benefits would not be realised. That would be hugely damaging to the overall public interest. There is therefore a compelling case in the public interest for the confirmation of the CPO and the SRO.

7.35 For all these reasons the SRO and the CPO should be confirmed as modified.

Inspector's conclusions begin on the next page

¹³⁹ Guidance on Compulsory Purchase and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat, of compulsion: paras 2 and 12

¹⁴⁰ CEC/26

8. CONCLUSIONS

8.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in superscript brackets [□] to earlier paragraphs where appropriate.

Structure of Conclusions

8.2 These conclusions first set out the tests which the Orders must satisfy if they are to be confirmed and then consider the matters raised by both statutory and non-statutory objectors. Some of the points raised are of limited, direct relevance to the CPO and SRO but, in the interests of natural justice, I have considered them in reaching my conclusions. Where these representations relate to matters which are clearly outside the scope of this Inquiry, they have however not been responded to in detail. Finally, the conclusions are drawn together into recommendations on each of the Orders.

8.3 I have taken account of the ES and its addendum published by the Council as part of the planning application process, together with all other environmental information submitted in connection with the scheme, in arriving at my recommendations^[1.4].

The Statutory Tests Against Which the Orders Need to be Assessed

8.4 The SRO is made under Sections 14 and 125 of the Highways Act 1980. Subject to confirmation by the Secretary of State for Transport, it would authorise the Council to stop up any highway or private means of access (PMA) and provide any improved or replacement highway, footpath, PMA or new means of access to premises adjoining or adjacent to a highway.

8.5 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus. No stopping up order shall be confirmed unless either another reasonably convenient route is available or will be provided before the highway is stopped up. Furthermore, the stopping up of a PMA shall only be authorised if the Secretary of State is satisfied that no access to the premises is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.

8.6 The CPO is made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980. For this Order to be confirmed, the land affected must be required for the construction or improvement of, or the carrying out of works to, a highway maintainable at public expense, or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a highway maintainable at public expense. The powers extend to the acquisition of land to mitigate any adverse effect the existence of a highway would have on the surroundings of that highway. The powers also extend to the acquisition of rights over land.

8.7 The CPO would authorise the acquisition of land and rights for the construction of the A536 Congleton Link Road and its associated junctions and for the construction and improvement of highways and new means of access to premises in pursuance of the SRO. It would also authorise the acquisition of land to enable mitigation measures to be implemented as an integral part of the scheme.

8.8 In addition to the tests detailed above, DCLG Guidance^[7.34] points out that, for land and interests to be included in a CPO, there must be a compelling case for acquisition in the public interest; that this justifies interfering with the human rights of those with an interest in the land affected; that the acquiring authority has a clear idea of how it intends to use the land it seeks to acquire; that the acquiring authority can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and that the scheme is unlikely to be blocked by any impediment to implementation.

Objections

- 8.9 Mr Armstrong (OBJ 2). This objection relates to the CPO^[5.2]. Mr Armstrong has put forward an alternative route which he considers would reduce the impact of the scheme on his land in terms of woodland loss and also improve safety aspects of the scheme. In respect of woodland loss, I viewed the area in question at my accompanied site visit. The area has three distinct elements^[7.5]. These are older woodland, more open grassland and plantation woodland. Under the CPO, little of the older woodland would be taken from the edge of the area, and the vast majority would remain, sufficient to screen the house and driveway at the property. I also agree with the Council's position on the absence of veteran or ancient trees in relation to the local wildlife site criteria. I do not consider that the open grassland area to be unusual or of any great value and the same can be said for the plantation woodland.
- 8.10 Under the alternative, much of the difference in land take would relate to the open grassland, with only a small element of the woodland being retained. Again, this would make no perceptible difference to the screening that the total area of woodland currently provides.
- 8.11 On safety at the curve in the road alignment, although there is a difference in the steps below the desirable minimum, the same speed limit and safety measures would be required^[7.2]. I also agree with the Council that the lesser radius of the scheme route would represent an imperceptible difference. In fact, a higher design speed would require the cutting to be set back to maintain adequate forward visibility. This would remove the natural regulation of the cutting which would reduce speeds, and this would offset any safety benefits to some extent.
- 8.12 In relation to noise, whilst there would be a reduction in levels at Mr Armstrong's property and at Somerford Hall Farm, they would increase for 19 properties on Chelford Road^[7.4]. I can therefore see no clear benefit from the alternative in this regard.
- 8.13 I can see no reason to question the need for a retaining wall to maintain access along Back Lane under the alternative, or its estimated cost of £800,000^[5.7]. I also consider that changes to the Chelford Road bridge would make little difference to its cost. A gabion wall solution could reduce the cost of the retaining wall^[7.3]. I am however satisfied that, notwithstanding the 55m reduced length of the alternative route, the cost of the gabion retaining solution would be a disproportionate addition to the scheme in view of any benefit that could result. Indeed, the alternative reflects a route that was discounted at route optimisation stage.

- 8.14 The adoption of an alternative route at this stage of the development and consent process for the scheme would also delay its implementation. This would compound the pressing need for the scheme, and this adds weight to my opinion that the further investigation of the alternative is not justified. A further matter is that the alternative has been subject to counter objections in terms of future development and severance that would need to be considered in detail.
- 8.15 I am therefore satisfied that the impacts and costs of the alternative have been satisfactorily evaluated with all relevant factors taken into account. This leads me to the view that, in relation to this objection, there is no reason that the CPO should not be confirmed.
- 8.16 Rose Farm 1 Ltd and Rose Farm 2 Ltd (OBJ 3). This objection relates to the CPO and SRO^[5.9]. Some of the objector's concerns have been satisfied and some elements of the objection appear to have been withdrawn. The objection relates to the necessity for the CPO for an agricultural access and clarity regarding other aspects in respect of the Orders.
- 8.17 The extent of any withdrawal of this objection is somewhat unclear. I have therefore considered the objection as a whole. I am satisfied that access to the Trig field would be maintained from the A54. I am also satisfied that the access to Brereton field would be appropriate and necessary in terms of its construction, fencing and location, given the function and design parameters of the CLR^[7.9]. The CPO in this regard would therefore be necessary to replicate current access arrangements, and compensation payments would be made.
- 8.18 I am also satisfied that the diversion of footpath FP21 would be both necessary and appropriate^[7.11]. I therefore can see no reason in this objection to suggest that the Orders should not be made
- 8.19 Mr SD and Mrs SE Hughes (OBJ 4). This objection relates to the CPO^[5.10]. Mr and Mrs Hughes consider that interference in respect of noise and vibration and the right to the peaceful enjoyment of property would not be outweighed by the public benefit or public interest. They also question the Council's approach to land negotiations.
- 8.20 Whilst there is some evidence that Mr and Mrs Hughes are now satisfied with some aspects of the scheme, the extent of any withdrawal of this objection is unclear. I have therefore considered the objection as a whole. The Council has considered effects of the scheme on Oaklands and Acorn Cottage^[7.12]. During construction piling, which would be the worst case for noise, levels would be within the parameters of the relevant BS and vibration may be perceptible, but would be acceptable due to the distances involved. I am also satisfied that, during operation, the future years noise, again the worst case, would be well below the SOAEL, and indeed the existing nearby Chelford Road would be a significant contributor in any event. The separation distances involved would also prevent any significant effect from vibration.
- 8.21 I therefore consider that interference with the human rights of the occupiers, including the peaceful enjoyment of their premises and the deprivation of their possessions under the CPO would be limited. This would be outweighed by the clear public interest in implementing the scheme. I am also satisfied that

the Council has undertaken negotiations in accordance with DCLG guidance. There is therefore no reason in this objection not to confirm the CPO.

- 8.22 Mr A Scott (OBJ 6). This objection relates to CPO and SRO^[5.11]. Mr Scott is of the opinion that the extent of permanent acquisition is not demonstrably required and objects to the manner in which the Council has approached land acquisition negotiations.
- 8.23 I have seen no evidence that there is a mechanism by which temporary possession could be obtained under the Highways Act. I am therefore satisfied that the essential licence should be sought in parallel with the CPO process, as has been the case here^[7.18]. Furthermore, the Council has sought contractor involvement to ensure, amongst other things, that the land requirements for the scheme are justified^[3.19].
- 8.24 The significant effects that would occur to important ecological features would require mitigation or compensation measures under the scheme^[7.20]. For European Protected Species, this would be necessary under the Habitats Regulations and for ancient woodland, this would be necessary to accord with NE standing advice. The resulting mitigation or compensation would require control in perpetuity, and the CPO is therefore justified in this regard.
- 8.25 I am also satisfied that the SRO would be sufficient in its scope to protect the availability of accesses which would be affected by the scheme and that there would be no reason to link the Orders in the manner suggested by the objector.
- 8.26 In relation to all of the above, there is therefore no reason not to confirm the Orders.
- 8.27 Mr PH Winterton (OBJ 15). This objection relates to the CPO in terms of the manner in which the Council has communicated with landowners in relation to scheme details, compensation and access^[5.15]. I am satisfied that sufficient consultation and arrangements for access have been made^[7.22]. Moreover, matters on the level of compensation are not for this Inquiry. There is therefore no reason that, on the basis of this objection, the CPO should not be confirmed.
- 8.28 Mr A Pedersen (OBJ 16). This objection relates to SRO in terms of the status of the scheme in the context of the development plan and whether it satisfactorily addresses the transport and environmental needs of the area^[5.17]. I have not seen any evidence to suggest that Mr Pedersen has any interests that would be affected by the scheme, and I am thus satisfied that he is a non-statutory objector.
- 8.29 I am of the opinion that the scheme has been an integral part of the local plan process and that its development has generated support from a range of sources following emerging local plan consultation throughout Cheshire East^[7.23]. There is therefore no justification for a review of the planning process. Whilst traffic routing through Congleton may be more direct during off peak periods, there is no evidence of off peak problems within the town. Furthermore, as explained in response to my questioning during the Inquiry, the potential exists for traffic management within the town centre to discourage through traffic in the off peak periods, including night HGV traffic.

- 8.30 The suggested scheme extension to the west has already been considered and discounted as a result of severance and cost benefit issues^[7.24]. Whilst the extension considered did not entirely follow the route suggested, it had more accurately considered the road alignments leading into the alternative. Indeed, the objective of avoiding the small radius bends was the same. I therefore consider that its conclusion holds true for the suggested alternative. This consideration of the alternative also recommended online carriageway improvements at the bend if found to be justified following the post opening safety review of the CLR.
- 8.31 A scheme extension to the east has also already been considered and discounted for various reasons, including costs and impacts^[7.25]. Whilst this extension did not follow the route suggested by Mr Pedersen, it did bypass the village of Eaton. I am therefore of the view that the principle suggested by the objector has been sufficiently considered in the development of the scheme.
- 8.32 It is also of note that neither of the suggested extensions to the west or east would be prevented by the implementation of the scheme as proposed. They could therefore be implemented when justification and further funding was available for additional highway improvements along the A534 corridor.
- 8.33 I am satisfied that United Utilities Water Limited^[5.21] and Mrs SM and Mr J Gomez^[5.22] have received satisfactory responses to their written representations from the Council^[7.27 & 7.28].

Other Matters

- 8.34 I turn now to other matters which need to be established before the Orders can be confirmed, as detailed earlier in these conclusions. I am satisfied that the Council has properly considered its obligations with regard to human rights legislation, and that in discharging these obligations it has sought to strike a balance between the rights of the individual and the interests of the public^[3.86].
- 8.35 In light of the significant public benefit which would arise to Congleton and the wider area if the scheme were to go ahead^[3.36], it is my view that the Orders would not constitute an unlawful interference with individual property rights. I conclude that any residual interference with human rights would be necessary in order to achieve the scheme and, having regard to the scheme benefits, would be proportionate.
- 8.36 The scheme has the benefit of planning permission with some 50% of the required £85.2m future funding committed or underwritten by the Council and the remaining 50% funding from DfT having a good certainty of availability^[3.22]. Although a number of planning conditions will need to be discharged, there are no outstanding objections from any statutory undertakers. The Council has also confirmed that all necessary statutory formalities in connection with the promotion of the Orders and the holding of the Inquiry have been complied with^[3.82]. The scheme is therefore in an advanced state of readiness, and there is no evidence to suggest that it would be likely to be blocked by any impediment to implementation^[3.89].

Conclusion on the Side Roads Order

8.37 The Council asks for the SRO to be confirmed in a modified form, to cover modifications discussed at the Inquiry^[7.31 & 7.32]. The modifications requested are as follows:

- An amendment to the boundary of the new principal road on Plan No. 2.
- The addition of a new private means of access '9' to Plan No. 2 and Schedule 2.
- The repositioning of new accesses 1 and 2 on Plan No.5 and Schedule 5.
- The deletion of new access 6 and amendments to new access 8 on Plan No. 5 and Schedule 5.
- A number of amendments following DfT comments, including changes to stated distances in schedules and a correction to the principal road boundary on Plan No. 3.
- Amendments to the Key Plan corresponding to those set out above. The Council's Key Plan amendment request cites Plan Nos. 2, 4 and 5. This should read Plan Nos. 2, 3 and 5.

8.38 I consider that all the above modifications to the SRO are necessary to address specific objections, and for clarity and accuracy. I further consider that they can all be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980.

8.39 With regard to the statutory criteria to be satisfied, I am mindful that there are no objections to the Scheme or the Orders from Statutory Undertakers. Moreover, where a highway or PMA is to be stopped up, I am satisfied that a reasonably convenient alternative route or access would be provided, as described in the schedules and plans of the SRO.

8.40 I conclude that the SRO should be confirmed with the modifications detailed above.

Conclusions on the Compulsory Purchase Order

8.41 The Council asks for the CPO to be confirmed in a modified form, to cover modifications discussed at the Inquiry and other matters identified in writing by the Council witnesses^[7.33]. The modifications requested for the CPO are as follows:

- Amendments relating to Plots 2/3, 2/4a, and 2/4f.
- The addition of a new Plot 2/3c (New rights). Where this addition is shown in tabular form, Column 1 should read 'Plot 2/3c' and not '2/3a'.
- The deletion of Plot 2/4e.
- The deletion of Plot 5/4.
- Other amendments following DfT comments.

- 8.42 The Council has not submitted a modified Map No. 5 to delete Plot 5/4. For compatibility with the modified Order, such a submission should be made before a modified CPO is confirmed.
- 8.43 The Council has not submitted a modified Map No. 3 to substitute 'Somerford FP1' for 'Congleton FP1'. For compatibility with the modified Order, such a submission should also be made before a modified CPO is confirmed.
- 8.44 The CPO modifications do not require additional land outside that required for the published scheme. I consider that these modifications could be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980 and paragraphs 4 and 5 of Schedule 1 to the Acquisition of Land Act 1981.
- 8.45 I agree with the Council that appropriate measures have been taken in the design of the Scheme to mitigate adverse effects^[3.89] and that there is a compelling case for acquisition in the public interest^[7.34]. Furthermore, I conclude that the purposes for which the CPO is promoted justify interfering with the human rights of those with an interest in the land affected, and that any residual interference with human rights is proportionate and necessary to achieve the Scheme^[3.86].
- 8.46 In my assessment, all the land proposed to be acquired is necessary for the scheme to proceed, and the Council has a clear idea of how the land to be acquired would be used. I note that the necessary resources are available for the Council to implement the scheme within a reasonable timescale, that the scheme would be unlikely to be blocked by any impediment to implementation and that the Council has confirmed that all statutory procedures have been followed correctly^[3.82].
- 8.47 I therefore conclude that the CPO should be confirmed with the modifications detailed above and including the amendment to Modified Map No 5.

9. RECOMMENDATIONS

- 9.1 I recommend that the **Cheshire East Borough Council (A536 Congleton Link Road) (Classified Road) (Side Roads) Order 2016** should be modified as indicated in paragraph 8.37 above, and that the Order so modified should be confirmed.
- 9.2 I recommend that the **Cheshire East Borough Council (A536 Congleton Link Road) Compulsory Purchase Order 2016** should be modified as indicated in paragraphs 8.41 and 8.42 above, and that the Order so modified should be confirmed.

Stephen Roscoe

INSPECTOR

APPENDIX 1 - APPEARANCES

FOR THE COUNCIL AS PROMOTING AUTHORITY:

Mr Simon Bird QC

instructed by Geldards LLP

He called:

Mr Richard Hibbert
BA, MSc, PhD, MBA,
CMILT

Director of Operations, Jacobs UK Limited

Mr Adrian Fisher
BSc (Hons) M.TpL MRTPI

Head of Planning Strategy, Cheshire East Council

Mr Martin Davis
BSc (Hons), CEng, MICE,
MCIHT

Divisional Director (Highways), Jacobs UK Limited

Mr Stewart Knowles
BSc(Hons), CMILT,
MCIHT, FSoRSA

Technical Director, Jacobs UK Limited

Ms Diane Corfe
BSc (Joint Hons), MSc,
CBiol, MCBiol, MCIEEM

Divisional Director (Ecology), Jacobs UK Limited

Mr Andrew Clarke
BSc (Hons), MIOA

Technical Director (Acoustics), Jacobs UK Limited

Mr Nigel Bellamy
BSc(Hons), CEnv,
MIAQM, MIEnvSc

Divisional Director (Air Quality), Jacobs UK Limited

Mr Paul Kavanagh
BEng(Hons), CEng, MICE

Senior Consultant (Ground Engineering and
Tunnelling Group), Jacobs UK Limited

Mr John Hargan
MRICS

Senior Surveyor, Jacobs UK Limited

Mr Paul Griffiths
BEng (Hons), IENG,
MIGHT

Infrastructure Delivery Manager, Strategic
Highways and Transport Team, Cheshire East
Council

OBJECTOR TO THE ORDERS:

Mr Arndt Pederson

Private Individual

APPENDIX 2 – CORE DOCUMENTS

CD/1 Statement of Reasons

CD/2 Statement of Case

CD/3 - Supporting Documents for the Statement of Case and Reasons

CD/3/1 The Cheshire East Borough Council (A536 Congleton Link Road)
(Classified Road) (Side Roads Order) 2016

CD/3/2 The Cheshire East Borough Council (A536 Congleton Link Road)
(Classified Road) (Side Roads Order) 2016 - Site Plan

CD/3/3 The Cheshire East Borough Council (A536 Congleton Link Road)
Compulsory Purchase Order 2016

CD/3/4 Map referred to in the The Cheshire East Borough Council (A536
Congleton Link Road) Compulsory Purchase Order 2016

CD/3/5 Application number 154480C - The proposed Congleton Link Road - SPB
report

CD/3/6 Congleton Link Road call in decision

CD/3/7 Decision document - 28 July 2016

CD/3/8 Congleton Link Road – Environmental Statement and Environmental
Statement Addendum – Individual documents listed in Appendix B to
Statement of Reasons

CD/3/9 Cabinet Meeting 17 September 2012 - Congleton Transport Infrastructure
- Assessment of a new Link Road

CD/3/10 Congleton Transport Infrastructure report 15 April 2013

CD/3/11 Cabinet Meeting 22 July 2013

CD/3/12 Cabinet Meeting 27 May 2014 - Congleton Link Road - Preferred Route
Assessment

CD/3/12a Cabinet Meeting 27 May 2014 - Annex A - Preferred Route

CD/3/12b Cabinet Meeting 27 May 2014 - Annex C - Preferred Route Announcement
Report

CD/3/13 Cabinet Meeting 6 January 2016 - Refinements to Preferred Route

CD/3/13a Cabinet Meeting 6 January 2016 - Technical Report

CD/3/13b Cabinet Meeting 6 January 2016 - Revised Preferred Route Drawing

CD/3/14	Cabinet Meeting 14 June 2016 - Funding Strategy and Approval in Principle to Underwrite the Costs of Delivering
CD/3/15	Cabinet Meeting 14 June 2016 - Approval to Proceed with the Compulsory Purchase of Land Required to Deliver the scheme
CD/3/16	Pre-Planning Public Consultation Report 2015 (September 2015)
CD/3/17	Cheshire East Local Plan Strategy - proposed changes version
CD/3/18	Briefing Document - Economic Group of Congleton Neighbourhood Plan
CD/3/19	North Congleton Masterplan
CD/3/20	Congleton Model Survey Report 2013
CD/3/21	Congleton Highway Model Updates - Technical Note (Rev 1)
CD/3/22	Option Assessment Report (Executive Summary)
CD/3/23	Congleton Traffic Model - Updated Assessment of Local Plan Strategy Highway Impacts and Mitigation January 2016
CD/3/24	Congleton Link Road - Health Impact Assessment October 2015
CD/3/25	Cheshire and Warrington Growth Deal
CD/3/26	Cheshire and Warrington Strategic and Economic Plan
CD/3/27	Local Modal Validation Report December 2016
CD/3/28	Traffic Forecasting Report December 2016
CD/3/29	Combined Design and Access Statement May 16 (Revision 3)
CD/3/30	Letter from Phillip Cox, Chief Executive of the Cheshire and Warrington Local Enterprise Partnerships dated 20 January 2016
CD/3/31	General Arrangement Plans
CD/3/32	National Planning Policy Framework
CD/3/33	Design Manual for Roads and Bridges
CD/3/34	Highways Act 1980
CD/3/35	Acquisition of Land Act 1981
CD/3/36	Human Rights Act 1998
CD/3/37	Wildlife and Countryside Act 1981
CD/3/38	Natural Environment and Rural Communities Act 2006

- CD/3/39 Conservation of Habitats and Species Regulations 2010/490
- CD/3/40 Guidance on Compulsory Purchase Process
- CD/3/41 Department of Transport Circular 1-97
- CD/3/42 Department of Transport Circular 2-97
- CD/3/43 Design Standards Report
- CD/3/44 Ground Investigation Report (this report is divided into 9 parts)
 - CD/3/44/1 Ground Investigation Report - part 1 of 9
 - CD/3/44/2 Ground Investigation Report - part 2 of 9
 - CD/3/44/3 Ground Investigation Report - part 3 of 9
 - CD/3/44/4 Ground Investigation Report - part 4 of 9
 - CD/3/44/5 Ground Investigation Report - part 5 of 9
 - CD/3/44/6 Ground Investigation Report - part 6 of 9
 - CD/3/44/7 Ground Investigation Report - part 7 of 9
 - CD/3/44/8 Ground Investigation Report - part 8 of 9
 - CD/3/44/9 Ground Investigation Report - part 9 of 9
- CD/3/45 Geotechnical Design Report
- CD/3/46 Structures Options Report
- CD/3/47 Addendum to Structures Options Report
- CD/3/48 Summary Cost Estimate

CD/4 - Additional Core Documents

- CD/4/1 Cheshire East Local Transport Plan 3
- CD/4/2 Radnor Park Traffic Count July 2015
- CD/4/3 Additional Air Quality Assessment – Giantswood Lane, Congleton
- CD/4/4 Stage 2 Scheme Assessment Report
- CD/4/5 Public Consultation Report – Preferred Route 2014
- CD/4/6 Economic Assessment Report March 2017

CD/4/7	NOT USED
CD/4/8	Funding Profile
CD/4/9	Council Decision on Procurement Strategy – November 2016
CD/4/10	Detailed Scheme Programme
CD/4/11	Design Standards Report Rev 1
CD/4/12	Environmental Master Plans
CD/4/13	NOT USED
CD/4/14	Road Safety Response Report Rev 2
CD/4/15	Highway Development Control Response to Link Road Planning Application
CD/4/16	NOT USED
CD/4/17	Environmental Impact Screening Opinion; Scott Planning Application
CD/4/18	NOT USED
CD/4/19	Technical Note – Potential Extensions to Congleton Link Road
CD/4/20	Technical Note – Sandbach Road Comparative Assessment Report
CD/4/21	CIEEM Guidance for Ecological Impact Assessment (2016)
CD/4/22	NOT USED
CD/4/23	Making Space for Nature (2010)
CD/4/24	The Natural Choice: securing the value of nature (2011)
CD/4/25	Biodiversity 2020: A strategy for England’s wildlife and ecosystem services
CD/4/26	Confidential Badger Survey Report
CD/4/27	Confidential Badger Bait Marking Survey Report
CD/4/28	Institute of Air Quality Management (2014), Guidance on the assessment of dust from demolition and construction, February 2014.
CD/4/29	Highways Agency (2013a) Interim Advice Note 174/13 Updated air quality advice on the application of the test for evaluating significant effects; for users of DMRB Volume 11, Section 3, Part 1 Air Quality, June 2013
CD/4/30	Highways Agency (2013b), Interim Advice Note 175/13 Updated advice on risk assessment related to compliance with the EU Directive on ambient air quality and on the production of Scheme Air Quality Action Plans; for users

- of DMRB Volume 11, Section 3, Part 1 Air Quality, June 2013
- CD/4/31 Highways Agency (2013c) Interim Advice Note 170/12v3 - Updated air quality advice on the assessment of future NO_x and NO₂ projections for users of DMRB Volume 11, Section 3, Part 1 'Air Quality, June 2013
- CD/4/32 Highways Agency (2015) Interim Advice Note 185/15 Updated traffic, air quality and noise advice on the assessment of link speeds and generation of vehicle data into 'speed-bands' for users of DMRB Volume 11, Section 3, Part 1 'Air Quality' and Volume 11, Section 3. Part 7 'Noise'
- CD/4/33 Calculation of Road Traffic Noise (CRTN), 1988
- CD/4/34 Noise Policy Statement for England (NPSE), 2010
- CD/4/35 National Planning Practice Guidance (PPG): Noise, first published March 2014
- CD/4/36 NOT USED
- CD/4/37 NOT USED
- CD/4/38 Appraisal Specification Report
- CD/4/39 Congleton Link Road Traffic Survey Report 2012
- CD/4/40 Local Model Validation Report (January 2016)
- CD/4/41 Traffic Forecasting Report
- CD/4/42 Congleton Link Road - Outline Business Case
- CD/4/43 The Brereton Neighbourhood Plan (Made March 2016)
- CD/4/44 Congleton Borough Local Plan (Policy PS12)
- CD/4/45 Congleton Borough Local Plan (Policy GR11)
- CD/4/46 Congleton Local Plan (Countryside Policy PS8)
- CD/4/47 Macclesfield Borough Local Plan (Countryside Policy GC5)
- CD/4/48 Local Plan Inspector's Interim Views – November 2014
- CD/4/49 Local Plan Inspector's closing remarks at hearings held between 13 September and 20 October 2016
- CD/4/50 Inspector's views on Further Modifications needed to the Local Plan Strategy – 13 December 2016
- CD/4/51 Planning Appeal Decision at Main Road, Shavington
- CD/4/52 Following the Committee resolution the planning application was referred

to the Secretary of State for his consideration as to whether the planning application should be called in. This referral was made on 22 June 2016.

CD/4/53 On 28 September 2016 a non-material amendment to the planning consent was applied for (reference 16/4757C). This minor amendment was approved by notice dated 26 October 2016

CD/4/54 Departures from Standard Report

CD/4/55 Natural England Standing Advice

APPENDIX 3 – INQUIRY DOCUMENTS (including documents submitted during the Inquiry)

Inspector’s documents

INSP/1 Inspector’s Pre-Inquiry Meeting Note

Promoting Authority’s Documents

CEC/1/1 Paul Griffiths Proof of Evidence
CEC/1/2 Paul Griffiths Rebuttal Proof to Adam Scott
CEC/1/3 Paul Griffiths Rebuttal Proof to Tarmac
CEC/2/1 Adrian Fisher Proof of Evidence
CEC/2/2 Adrian Fisher Summary Proof of Evidence
CEC/2/3 Adrian Fisher Rebuttal Proof Mr Pedersen
CEC/3/1 Martin Davis Proof of Evidence
CEC/3/2 Martin Davis Proof of Evidence Appendices
CEC/3/3 Martin Davis Rebuttal Proof Mr K Armstrong
CEC/3/4 Martin Davis Rebuttal Proof SP Manweb
CEC/3/5 Martin Davis Rebuttal Proof Mr DG and Mrs Bell
CEC/3/6 Martin Davis Rebuttal Proof Mr William Buckley
CEC/3/7 Martin Davis Rebuttal Proof Mr Pedersen
CEC/4/1 Stewart Knowles Proof of Evidence
CEC/5/1 Richard Hibbert Proof of Evidence
CEC/6/1 Diane Corfe Proof of Evidence
CEC/6/2 Diane Corfe Proof of Evidence Appendices
CEC/7/1 Nigel Bellamy Proof of Evidence
CEC/7/2 Nigel Bellamy Proof of Evidence Appendices
CEC/8/1 Andrew Clarke Proof of Evidence
CEC/8/2 Andrew Clarke Proof of Evidence Appendices
CEC/9/1 Paul Kavanagh Proof of Evidence

CEC/10/1 John Hargan Proof of Evidence

CEC/10/2 John Hargan Proof of Evidence

Submitted During the Inquiry

CEC/11 List of Appearances for the Acquiring Authority

CEC/12 Opening Statement On Behalf of the Acquiring Authority

CEC/13 CPO Maps with Scheme Layout Overlaid Map

CEC/14 Mainline 2 Comparison Published Route Alongside Alternate Route

CEC/15 Plan – Mr Horan Ghost Island Arrangement

CEC/16 Pre- Inquiry Procedure File

CEC/17 Council response to OBJ/19/3 Mr & Mrs NL Bell

CEC/18 Council response to OBJ/24/1 Mr & Mrs N Dabbs Objection with plan

CEC/19 Requirement for a Retaining Wall - Chelford Road

CEC/20 Increased Plot Areas for the Alternative Route

CEC/21 Requirement for an Additional Earth Retaining Structure for the
Alternative Route

CEC/22 Response to United Utilities

CEC/22a Letter to NTCT re Response to United Utilities

CEC/23 Response to Mr and Mrs Gomez

CEC/23a Letter to NTCT re Response to Mr and Mrs Gomez

CEC/24 Acquiring Authority's Requested Amendments to the Orders

CEC/25 Site Plans and Maps in relation to CEC/24

CEC/26 Council Closing Submissions

Supporters' Documents

SUP/1/1 Cheshire and Warrington LEP Congleton Link Road-Letter of Support

SUP/2/1 Congleton Town Council-Letter of Support

Objectors' Documents

- OBJ/1/1 Ms Stella Painter Objection
- OBJ/1/2 Ms Stella Painter Withdrawn Objection
- OBJ/2/1 Mr Kenneth Armstrong Objection
- OBJ/2/2 Mr Kenneth Armstrong 12.4.17
- OBJ/2/3 Mr Kenneth Armstrong Proof of Evidence
- OBJ/2/4 Mr Kenneth Armstrong Rebuttal Statement
- OBJ/2/5 Mr Kenneth Armstrong email 16.5.17 (submitted during the Inquiry)
- OBJ/3/1 Rose Farm 1 Ltd and Rose Farm 2 Ltd Objection
- OBJ/3/2 Rose Farm 1 Ltd and Rose Farm 2 Ltd Email Update 5.4.17
- OBJ/4/1 Mr & Mrs Simon and Susan Hughes Objection
- OBJ/4/2 Mr & Mrs Simon and Susan Hughes Email Update 5.4.17
- OBJ/5/1 SP Manweb PLC Objection
- OBJ/5/2 SP Manweb Plc Statement of Case
- OBJ/5/2a Appendix 1 Copy Letter of Objection D for T
- OBJ/5/2b Appendix 2 Copy Letter ALA to BEIS
- OBJ/5/2c Appendix 3 Email 17.1.17
- OBJ/5/2ci Appendix 3 attachment to email The Cheshire East Borough Council CPO 1 Dec 2016
- OBJ/5/2d Appendix 4 Letter from Department for Transport
- OBJ/5/2e Appendix 5 ED1 Distribution Licence Working Copy as Jan 2017
- OBJ/5/2f Appendix 6 Plan illustrating operational assets diversion points in CPO land
- OBJ/5/3 SP Manweb Plc Withdrawal 12.5.17
- OBJ/5/4 Withdrawal Objection SP Manweb
- OBJ/6/1 Mr Adam Scott & Verlux Trading Ltd Objection
- OBJ/6/2 Mr Adam Scott- Congleton CPO Written Representation 24/04/17

- OBJ/7/1 Royal Mail Objection
- OBJ/7/2 Royal Mail Withdrawn Objection
- OBJ/8/1 Mr & Mrs Simon and Deborah King Objection
- OBJ/8/2 Mr & Mrs Simon and Deborah King Withdrawn Objection
- OBJ/9/1 Congleton and District Fly Fishers Ltd Objection
- OBJ/9/2 Congleton and District Fly Fishers Ltd Objection Map
- OBJ/9/3 Congleton and District Fly Fishers Ltd Withdrawn Objection
- OBJ/10/1 Mr & Mrs Anthony and Lynda Richardson Objection
- OBJ/10/2 Mr & Mrs Anthony and Lynda Richardson Objection Map
- OBJ/10/3 Mr & Mrs Anthony and Lynda Richardson Withdrawn Objection
- OBJ/11/1 Mr Barry Worth Objection
- OBJ/11/2 Mr Barry Worth Objection Map
- OBJ/11/3 Mr Barry Worth Withdrawn Objection
- OBJ/12/1 The RH Antrobus Will Trust Objection
- OBJ/12/2 The RH Antrobus Will Trust Objection Map
- OBJ/12/3 The RH Antrobus Will Trust Withdrawn Objection
- OBJ/13/1 Tarmac Trading Ltd Objection
- OBJ/13/2 Tarmac Trading Ltd Objection Map
- OBJ/13/3 Tarmac Trading Ltd Proof and Appendices
- OBJ/13/4 Tarmac Trading Rebuttal Proof of Mr Fyles
- OBJ/13/5 Tarmac Trading Ltd Withdrawal of Objection Letter (submitted during the Inquiry)
- OBJ/14/1 Mr & Mrs David and Gillian Bell Objection
- OBJ/14/2 Mr & Mrs David and Gillian Bell Objection Appx 1
- OBJ/14/3 Mr & Mrs David and Gillian Bell Objection Appx 2
- OBJ/14/4 Mr David and Gillian Bell Proof of Evidence
- OBJ/14/5 Mr David and Gillian Bell Withdrawal of Objection Letter 24.5.17 (submitted during the Inquiry)

- OBJ/15/1 P H Winterton Objection
- OBJ/16/1 Mr Arndt Pedersen Objection
- OBJ/16/2 Mr Arndt Pedersen Proof of Evidence
- OBJ/16/2a Appendix 1 Mr Arndt Pedersen
- OBJ/16/2b Appendix 2 Mr Arndt Pedersen
- OBJ/16/3 Mr Arndt Pedersen Rebuttal Proof
- OBJ/16/3a Mr Arndt Pedersen Rebuttal Proof Appx 1
- OBJ/16/3b Mr Arndt Pedersen Rebuttal Proof Appx 2
- OBJ/17/1 Mr & Mrs David and Veronica Worth Objection
- OBJ/17/2 Mr & Mrs David and Veronica Worth Objection Enclosures
- OBJ/17/3 Mr & Mrs David and Veronica Worth Withdrawn Objection
- OBJ/18/1 Mr & Mrs Stephen and Alison Horan Objection
- OBJ/18/2 Mr & Mrs Stephen and Alison Horan Objection Map
- OBJ/18/3 Mr & Mrs Stephen and Alison Horan Objection Withdrawal
- OBJ/19/1 Mr & Mrs Nicholas and Laura Bell Objection Letter dated 5.12.16
- OBJ/19/2 Mr & Mrs Nicholas and Laura Bell Objection Letter dated 24.1.17
- OBJ/19/3 Mr & Mrs Nicholas and Laura Bell email to the Programme Officer 5.5.17
(submitted during the Inquiry)
- OBJ/19/4 Mr & Mrs Nicholas and Laura Bell email to the Programme Officer 10.5.17
(submitted during the Inquiry)
- OBJ/19/4a Appendix 1 attachment to OBJ/19/4
- OBJ/19/4b Appendix 2 attachment to OBJ/19/4
- OBJ/19/5 Mr & Mrs Nicholas and Laura Bell Withdrawal of Objection Letter 24.5.17
(submitted during the Inquiry)
- OBJ/20/1 Mr & Mrs Keith and Sylvia Dimiler Objection Map
- OBJ/20/2 Mr and Mrs Dimiler Withdrawn Objection
- OBJ/21/1 Mr & Mrs Graham and Jayne Ashmore Objection
- OBJ/21/2 Mr & Mrs Graham and Jayne Ashmore Objection Map

- OBJ/21/3 Mr & Mrs Graham and Jayne Ashmore Withdrawal
- OBJ/22/1 Mr & Mrs David and Joanne Smith Objection
- OBJ/22/2 Mr & Mrs David and Joanne Smith Objection Map
- OBJ/22/3 Mr & Mrs David and Joanne Smith Withdrawn Objection
- OBJ/23/1 Mr William Buckley Objection
- OBJ/23/2 Mr William Buckley Objection Appendix
- OBJ/23/3 Mr William Buckley Proof of Evidence
- OBJ/23/4 Mr William Buckley Withdrawal of Objection Letter 24.5.17 (submitted during the Inquiry)
- OBJ/24/1 Mr & Mrs N Dabbs Objection with plan (submitted during the Inquiry)
- OBJ/24/2 Mr & Mrs N Dabbs withdrawn objection (submitted during the Inquiry)

Counter-Objector's Documents

- CO-OBJ/1/1 Somerford Holdings
- CO-OBJ/2/1 Mr P H Winterton
- CO-OBJ/3/1 Ainscough
- CO-OBJ/4/1 Mr and Mrs David and Gillian Bell

Other Parties' Documents

- OP/1/1 United Utilities Water Limited Representations Letter
- OP/2/1 Mr and Mrs Gomez Representations Letter