

# **Environment and Prosperity Scrutiny Committee**

## **Agenda**

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**Date:** Tuesday, 13th September, 2011  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Minutes of Previous Meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on the 25<sup>th</sup> July 2011

3. **Declarations of Interest/Whipping Declarations**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

4. **Public Speaking Time/ Open Session**

A total period of 15 minutes is allocated for members of the public to make a statement(s) on any matter that falls within the remit of the Committee.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

**Contact:** James Morley  
**Tel:** 01270 686465  
**E-Mail:** james.morley@cheshireeast.gov.uk

5. **Waste Needs Assessment Report** (Pages 7 - 28)

To receive a presentation on the Waste Needs Assessment Report produced by Urban Mines on behalf of Cheshire East and Cheshire West and Chester.

6. **Highways Policy Reviews** (Pages 29 - 72)

To received a briefing and provide comments on proposed amendments to the highways policies currently being reviewed:

- (i) List of Streets Policy
- (ii) Mirrors on the Highway Policy
- (iii) Pedestrian Crossing Policy
- (iv) Repairs to Private Streets Policy

7. **Sustainable Towns Update**

To receive a presentation on the progress of major projects in some of Cheshire East's Town centres

8. **Macclesfield Economic Master Plan Update**

To receive a presentation on the current proposals for the Macclesfield Economic Master Plan

9. **Scrutiny Member Training**

To consider the Committee's training requirements for the 2011/12 civic year

10. **Work Programme Update** (Pages 73 - 78)

To give consideration to the Work Programme

11. **Forward Plan and Service Plan - Extracts** (Pages 79 - 86)

To note the current Forward Plan and Service Plans, identify new items and to determine whether any further examinations of new issues is appropriate

**CHESHIRE EAST COUNCIL****Minutes of a meeting of the Environment and Prosperity Scrutiny Committee**

held on Monday, 25th July, 2011 at Committee Suite 1 & 2, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor L Gilbert (Chairman)  
Councillor G M Walton (Vice-Chairman)

Councillors A Barratt, P Butterill, P Groves, D Neilson, R Cartlidge and  
S Hogben

**Apologies**

Councillors P Hoyland, K Edwards

**122 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS**

Councillor Roy Cartlidge declared a personal interest in the Heritage Centre as a visitor to the museum.

Councillor Dorothy Flude also declared a personal interest in the Heritage Centre as a visitor to the museum.

**123 OFFICERS PRESENT**

Caroline Simpson- Head of Regeneration  
Peter Hall – Assets Manager  
Tessa Leonard - Solicitor  
Mark Nedderman – Senior Scrutiny Officer  
James Morley – Scrutiny Officer

**124 ALSO PRESENT**

Councillor J Macrae – Cabinet Member for Prosperity  
Councillor D Flude  
Councillor D Brickhill

**125 CREWE HERITAGE CENTRE - CORRESPONDENCE**

The Chairman wished to place on record that all Members of the committee had received correspondence directly from the Crewe Heritage Centre Board of Trustees and the Exeter West Group.

**126 PUBLIC SPEAKING TIME/ OPEN SESSION**

Mr Peter Barnard a member of the Crewe Heritage Centre Board of Trustees attended the meeting and addressed the Committee in respect of called –in decision concerning the Crewe Heritage Centre.

He stated that all parties involved in the site, wanted to see capital investment in the Heritage Centre for the benefit of Crewe's regeneration and heritage.

He contended that the Council's view that the offer to sell a 125 year lease on the site which would include the preservation of the existing rights of the current leaseholders for the next 30 years would encourage investment, was misguided.

He referred to the historic arrangements for the site put in place by the former Crewe and Nantwich Borough Council in 1994 and to subsequent arrangements to permit part of the site to be used by the LNWR Society.

He described the Trust's efforts to secure funding for the future through an application to the heritage Lottery Fund and to resolve current issues on the site including the appointment of a manager in 2007. He asked that the committee recommend deferring the decision for two years and to give support in the application for Lottery Grants.

127      **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on Tuesday, 5<sup>th</sup> July, 2011 be approved as a correct record and signed by the Chairman.

128      **CALL-IN OF THE DECISION OF THE CABINET MEMBER FOR PROSPERITY DATED 27 JUNE 2011 RELATING TO THE CREWE HERITAGE CENTRE**

The Chairman outlined the procedure for the Call-in of the decision of the Cabinet Member for Prosperity made on the 27<sup>th</sup> June 2011 to declare the site of the Crewe Heritage Centre surplus to the requirements of Cheshire East Council.

The Chairman clarified to those present, that the decision was not related to the future of the Centre but to the ownership of the land.

On behalf of the eight Members who had signed the Call-in, Councillor D Flude addressed the Committee and outlined the reason for the Call-in which stated:

'That Members have not been provided with adequate information about the site occupied by the Crewe Heritage Centre i.e. site plan and estimated value of site, that the proposed lease of 125 years is not best in the interest of the Borough of Cheshire East or the towns people of Crewe town'

Councillor Flude added that:

- The group recognised that the current situation on site was not perfect but the proposal to offer a 125 year lease for sale on the open market would disadvantage some groups at this point in time due to their lack of funds and suggested that the future of the site should be considered in conjunction with other Heritage sites within Crewe, such

as the Lyceum Theatre, Municipal Buildings and the Library.

- The 'Call-in' group were not opposed to the principle of a new lease but considered that it was premature to offer the lease at this point in time and the needs of the town of Crewe as a whole needed to be taken into account.

Councillor D Brickhill also addressed the Committee on behalf of the group and stated that:

- The Engineering activity on the site was occurring on land appropriated by LNWR since the original permission to use part of the site was granted by Crewe and Nantwich Borough Council in the 1990's.
- The Trustees should be given time to process their application for £2 million grant funding from the Heritage Lottery fund.
- There were sites elsewhere in Crewe that were more suitable for the heavy engineering activities carried out at the site by LNWR

Councillor Macrae Prosperity Portfolio Holder outlined the decision taken on 27 June, referring to the Report Summary (item 5 appendix 2). The Council was seeking to establish a long-term viable future for the Crewe Heritage Centre, by regularising an inherited position from the former Crewe and Nantwich Borough Council. He acknowledged that tensions existed between the trust and LNWR.

Councillor Macrae clarified that the new 125 years lease was a 'head lease' and would have restrictive covenants to protect the site for rail heritage. The remaining 30 years of the current lease would also have to be adhered to.

The decision to sell a 125 year lease offered an opportunity to set out a clear way forward for the site and the Heritage Centre. It was suggested that the new lease would provide added security for the long term viability of the site and would improve the chances of securing a successful bid for lottery funding.

In response to questions from the Committee, the Prosperity Portfolio Holder assisted by Head of Regeneration and Asset Manager and Solicitor stated that:

- The Council was not represented on the Board of Trustees for the Heritage Centre.
- The new head lease would be offered for sale on the open market; and therefore was open to bids from any organisation or individual. The successful purchaser of the head lease would in effect become the landlord for the site. If the heritage trust successfully bid for the head lease, the Council would consider merging the existing lease with the new head lease.
- It was acknowledged that there was little commercial incentive for a body to take over the new head lease; it would however provide an

opportunity for rail enthusiasts to take on the role of landlord.

- Many options had been explored in the last 18 months and the proposal was considered to be the best option for the future of the heritage of Crewe on this particular site.
- This Council would not make any cost savings from this decision nor was it likely to realise a significant capital receipt from the sale, but the new head lease would give the Council an opportunity to regularise the current alleged unauthorised activities on site.
- Cheshire East would be able to support an application for heritage lottery funding.
- The wording of a lease would include a requirement that 'rail heritage' would include provision of a museum and public access to the site and not just engineering or other rail heritage.
- If a decision was delayed, the issues at the site were likely to continue. The Council had a duty to ensure the sustainability of rail heritage in Crewe

Having answered questions, Councillor J Macrae declared a Personal and Prejudicial interest in this matter and withdrew from the meeting.

The meeting was adjourned for 5 minutes and resumed at 11.20am.

The following answers were given to additional questions raised with the Assets Manager and Solicitor.

- It was possible to amend the current 50 year lease through mutual agreement between the Council and the Board of Trustees.
- LNWR could bid for the new 125 year lease and would have to satisfy all of the terms of evaluation to be successful.

The Committee then considered the report of the Borough Solicitor enclosing the grounds of the call-in, the options available to the committee in respect of the call-in, together with the original report of the Strategic Director of Places from a meeting on 27<sup>th</sup> June 2011. The Committee also considered a formal response to the call-in from the Portfolio Holder for Prosperity.

RESOLVED –

That the following advice be offered to the Portfolio Holder for Prosperity:

- a. That the decision to offer for sale on the open market, a 125 year lease in respect of the land at the Crewe Heritage centre, be deferred for two years on the grounds that the Committee is of the opinion that there are no compelling reasons to take this

decision at this point in time. The deferment for two years will allow the Board of Trustees time to secure grant funding which will enable them to make improvements to the Heritage Centre.

- b. That the Board of Trustees be requested to prepare a report detailing a clear way forward to secure the long term viability of the Heritage Centre on the existing site; to be submitted to the Council within twelve months of date of this meeting.
- c. That the Cabinet Member for Prosperity be requested to consult Tom Russell the Delivery Executive for Crewe, regarding the significance of this site in relation to the overarching plans for the regeneration of Crewe in the Crewe Vision proposals.
- d. That the Board of Trustees of the Crewe Heritage Centre be requested to give consideration to allowing the Council to have formal representation on the Board.

The meeting commenced at 9.30 am and concluded at 11.55 am

Councillor L Gilbert (Chairman)

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: Environment and Prosperity Scrutiny Committee**

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**Date of Meeting:** 13<sup>th</sup> September 2011  
**Report of:** Head of Planning and Housing  
**Subject/Title:** Waste Needs Assessment Report  
**Portfolio Holder:** Cllr David Brown

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#### **1.0 Report Summary**

- 1.1 This report informs members about the Cheshire East Waste Needs Assessment, explaining its aims, objectives and implications of findings for the production of the Local Development Framework (LDF).
- 1.2 A Waste Needs Assessment was jointly commissioned by Cheshire East and Cheshire West and Chester Councils to provide an up to date evidence base on which to form judgements and prepare planning policies concerning future waste management in the borough.

#### **2.0 Recommendation**

- 2.1 That the Environment and Prosperity Scrutiny Committee notes the content of the Waste Needs Assessment Report and its use as an evidence base in the formulation of planning policy concerning waste and determining the range of facilities needed deal with waste arisings in Cheshire East up to 2030.

#### **3.0 Reasons for Recommendation**

- 3.1 The LDF Core Strategy will need to contain policies on waste and the need for waste management facilities during the plan period. To allow policy development to progress with a credible evidence base, a Waste Needs Assessment has been undertaken by independent consultants to provide the most up to date information available relating to current and future waste arisings.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications including - Climate Change - Health**

- 6.1 Findings presented in the Waste Needs Assessment have been developed in accordance with the principles of sustainable waste management and in adherence to the waste hierarchy which aims to reduce greenhouse gas emissions. Planning policy for waste management must help secure the recovery or disposal of waste without endangering human health and without harming the environment.

## **7.0 Financial Implications**

- 7.1 The cost of commissioning the report has been shared with Cheshire West and Chester Council with no further implications beyond the existing Spatial Planning budget.

## **8.0 Legal implications (authorised by the Borough Solicitor)**

- 8.1 The production of an LDF Core Strategy that includes policies for waste and waste management infrastructure is a statutory duty for waste planning authorities and such policies must be based on national policy and guidance and backed up by a strong and credible evidence base. Failure to address these issues in the Core Strategy will lead to the plan being found unsound at submission or examination and ultimately rejected by the Secretary of State.

## **9.0 Risk Management**

- 9.1 There is the potential for waste planning policies to be controversial and generate considerable attention in the press and significant representations from the public and their local representatives. It is therefore important that any policies are backed up by a robust, transparent, and up to date evidence base.

## **10.0 Background**

- 10.1 The LDF Core Strategy is required to contain policies on waste in accordance with national policy backed up by up to date evidence. Policies and proposals should ensure sufficient opportunities for the provision of waste management facilities in appropriate locations including for waste disposal and needs to look forward for a period of at least ten years from the date of adoption.
- 10.2 A pre-requisite of setting policy is identifying the types and quantity of waste generated, predicting the pattern of future waste growth (or decline) and identifying the types of facilities that would be appropriate to handle this waste.
- 10.3 To obtain this level of information, Cheshire East and Cheshire West and Chester Councils jointly commissioned Urban Mines to produce Waste Needs Assessment (WNA) with the aim of providing a transparent, future-proof assessment capable of predicting future waste arisings under a number of scenarios and simulate future waste capacity and facility requirements

10.4 Through comprehensive analysis of the most up to date published information on waste arisings, the report:

- Assesses the amount of waste arisings likely to be produced and managed in Cheshire East in the period up to 2030. (Including municipal; commercial and industrial; construction, demolition and excavation; hazardous; low level radioactive; sewage sludge; and agricultural waste)
- Identifies existing and planned waste management facilities and identifies any gaps that may exist between the capacity of existing facilities and future arisings

10.5 A summary of the report's findings and conclusions are detailed in the report's Executive Summary included in Appendix 1. They are based on the outcomes of running a computer model capable of creating waste management scenarios of which the optimum has been presented in the report. This reflects what was considered at the time to be the most likely scenario with respect to the waste hierarchy and the aspirations of the Council as waste collection and disposal Authority.

10.6 As an output of the work, a computer model is to be made available to officers to generate new scenarios to reflect future dynamics as new facilities are built and become operational.

## **11.0 Access to Information**

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

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# Cheshire East and Cheshire West and Chester Councils – Waste Needs Assessment Report

Date 4<sup>th</sup> May 2011



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**Report Produced for:**

Cheshire East Council and  
Cheshire West and Chester  
Council.

**Report written by:**

Gill Tatum & Peter Greifenberg

**Q.C. Checked by:**

Peter Scholes

**Contact:**

Anne Mosquera,  
Richard House

**Additional information:**

Mandy Smith

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## Executive Summary

### Why we are producing a Waste Needs Assessment

A Waste Needs Assessment (WNA) is part of an evidence base of studies that is required to produce a comprehensive analysis of the type and number of waste management facilities required to be planned for within the Local Development Framework (LDF) Core Strategy for Cheshire East and Cheshire West and Chester Councils. It should address all waste streams, namely: municipal, commercial and industrial (C&I), construction and demolition and excavation (CD&E), hazardous waste, sewage sludge, agricultural and low level nuclear/non nuclear industry arisings that are being generated in the two authority areas. It should be noted that municipal waste arisings only equate to approx 25% of current waste managed within the authority areas. The plans will cover the future waste management requirements up to 2030 for Cheshire East and 2028 for Cheshire West and Chester to marry up with their LDF timescales. Abbreviations used in this report are contained in **Appendix 1**.

Since Cheshire East (CE) and Cheshire West and Chester (CW&C) became new Unitary Authorities on 1<sup>st</sup> April 2009, a decision has been taken to work jointly on the

## EXECUTIVE SUMMARY

preparation of the waste needs evidence base to support the development of their individual strategic waste planning policies and subsequent Development Plan Documents. Both Councils are currently preparing LDF core strategies to replace the existing Local Plans, which cover the area including the Cheshire Replacement Waste Local Plan (CRWLP) adopted in July 2007. The CRWLP sets out the current planning policies for waste and covers both the areas of Cheshire East and Cheshire West and Chester.

The aim of this WNA is to produce a transparent, future-proof assessment which is able to simulate future waste facility requirements under a range of scenarios. This report covers the findings of the WNA and its associated model using a number of different scenarios, Scenario 1 being the preferred option covered in detail in the main report with the other scenario results covered in the appendices only.

The most up to date data available has been used within the WNA, drawing on the basic sources available. Prime sources are:

- DEFRA 2003 annual agricultural waste and by-products survey for the Northwest, extrapolated from the regional figures and using the ONS data 2008 on the number of registered agricultural activities within Cheshire East and Cheshire West and Chester and informed by the Councils;
- The 2008/09 regional survey of C&I waste arisings completed for 4NW and the Environment Agency (EA) (completed by Urban Mines/Black and Veatch in March 2010);
- CD&E waste Data Interrogator (EA 2008) and list of Exempt sites (2008) supplied by the EA;
- Hazardous waste using the 2008 EA Waste Data Interrogator and also informed from the 2008/09 NW Regional C&I Survey;
- EA/Nuclear Decommissioning Authority for low level nuclear/non nuclear radioactive waste;
- Sewage sludge figures supplied by United Utilities and Welsh Water; and
- Municipal waste arisings supplied by the Councils and supported by the CRWLP (2007).

### Where we are now

The current position with regard to waste types and their current treatment are shown for Cheshire East in Figure E1 and Table E1 and for Cheshire West and Chester in Figure E2 and Table E2.

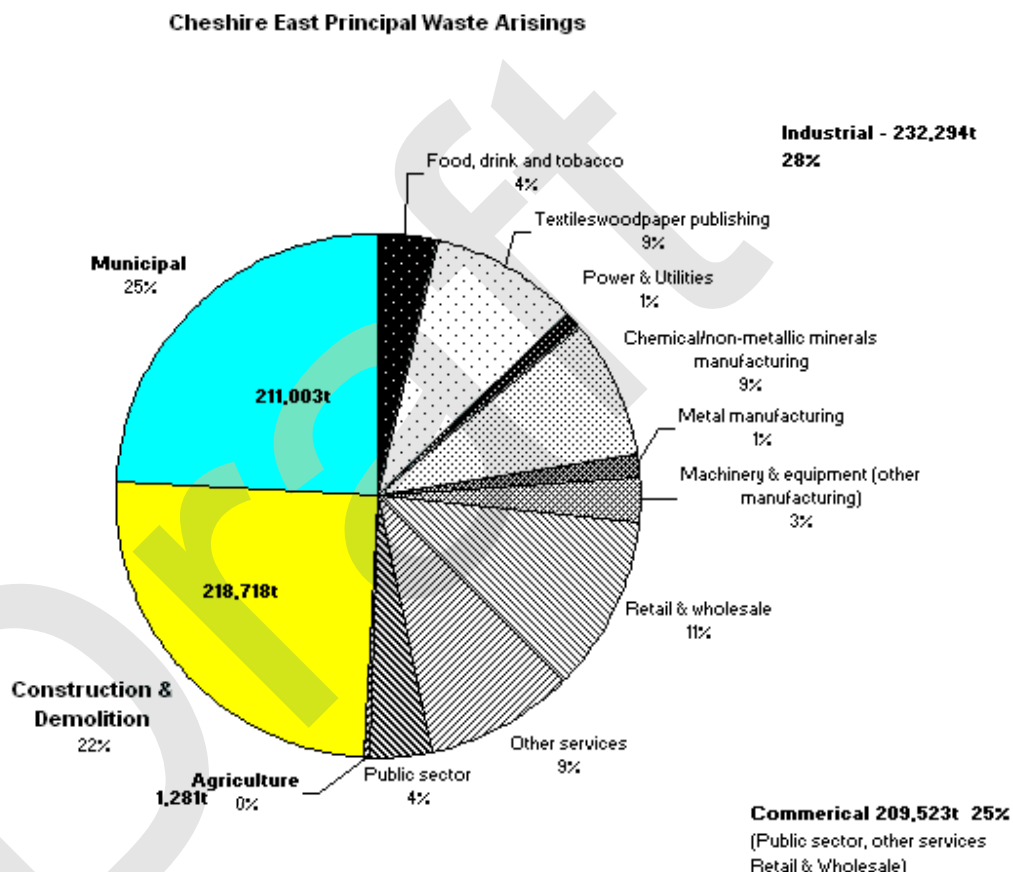
Approximately 870,000 tonnes of waste arose in 2009 in Cheshire East (from sources of municipal, C&I, CD&E and Agricultural), with a further 483,000 tonnes of sewage. The figure of 870,000 tonnes includes the agricultural waste arisings removed from farm holdings only. If we take into account all agricultural waste arisings, including the materials that are deposited and treated within agricultural holdings, this increases the total figures by an additional 692,000 tonnes. Discounting the agricultural arisings managed on site, approximately 32% of the remaining waste arisings are currently landfilled. All waste arisings within Cheshire

## EXECUTIVE SUMMARY

East and Cheshire West are not necessarily managed within the authority boundaries, with much of the waste exported outside the authority boundary for recycling, composting, treatment, incineration or landfill. In addition, waste arisings are imported into the authority boundaries. The WNA seeks to estimate waste management requirements in the future, should all waste arisings be treated within the authority boundaries.

**Figure E1 Principal waste arisings in Cheshire East (09)**

**Total Arisings: 872,819**

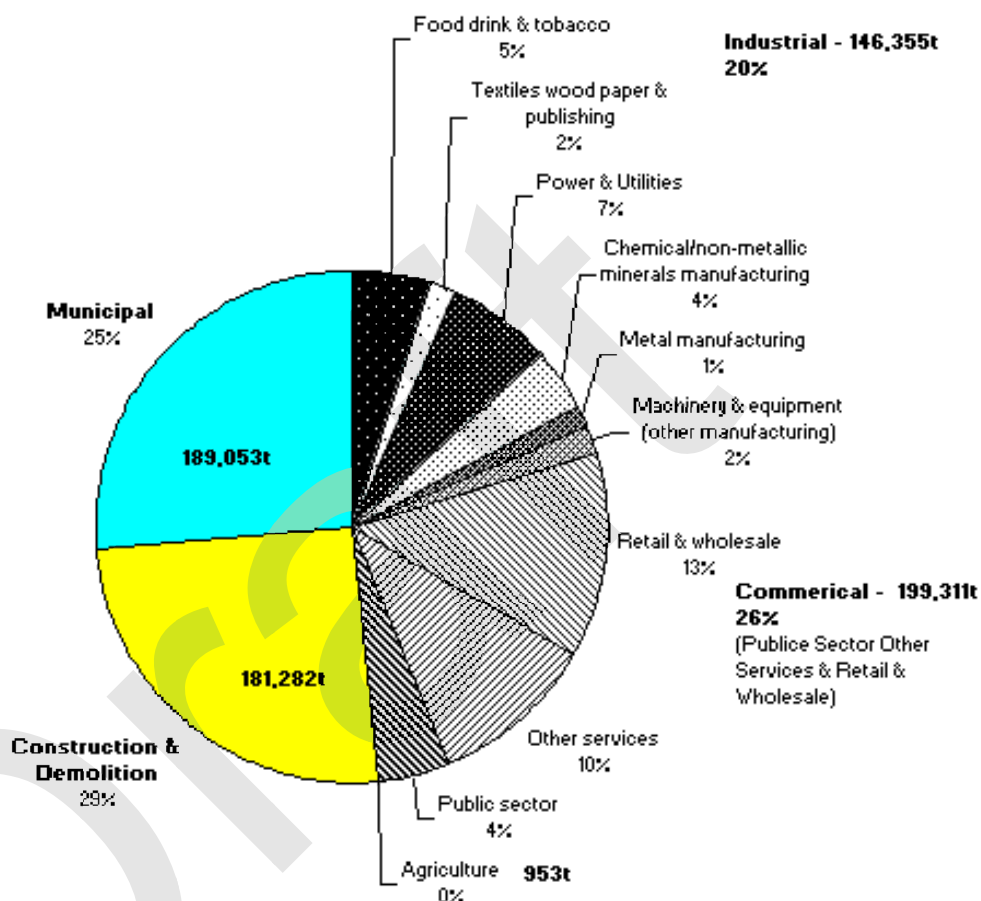


**Table E1 Current waste arisings for Cheshire East (09), 1000 tonnes showing total wastes (including all agricultural wastes managed within land holdings). Management location includes inside and outside of Cheshire East boundaries.**

Waste Type	Total	Recycled	Composted	Treatment	Incinerated	Landfilled
Cheshire East 000s Tonnes						
Municipal	211	54	46	0	0	111
Commercial	209	130	0	4	6	69
Industrial	232	109	59	13	7	44
CD&E	218	165	0	0	0	53
Agricultural	693	0	692	0	0	1
Sewage Sludge	483	0	0	483	0	0

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Radioactive	0	0	0	0	0	0
Total	2046	458	797	500	13	278

**Figure E2 Principal waste arisings in Cheshire West and Chester (09)****Total Arisings: 716,954****Cheshire West and Chester Waste Arisings****Table E2 Current waste arisings for Cheshire West and Chester (09), 1000 tonnes showing total wastes (including all agricultural wastes managed within land holdings). Management location includes inside and outside of Cheshire West and Chester boundaries.**

Waste Type	Total	Recycled	Composted	Treatment	Incinerated	Landfilled
Cheshire West and Chester 000s Tonnes						
Municipal	189	58	36	0	0	95
Commercial	199	124	0	4	5	66
Industrial	146	72	21	9	11	33
CD&E	181	142	0	0	0	39
Agricultural	516	0	515	0	0	1
Sewage Sludge	240	0	0	240	0	0
Radioactive	10	0	0	0	0	10
Total	1481	396	572	253	16	244



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Cheshire West and Chester generated approximately 715,000 tonnes (from sources of municipal, C&I, CD&E, Agricultural and Low Level Radioactive) plus a further minimum of 240,000 tonnes of sewage (figures do not include sewage managed through Welsh Water). If we take into account all agricultural waste arisings, including the materials that are deposited and treated within agricultural holdings, this increases the total figures by an additional 515,000 tonnes. Discounting the agricultural arisings managed on site, approximately 34% of these materials are currently landfilled. Details on the waste arisings types and existing waste management facilities are contained in **Appendix 2**.

## Where we want to be

A number of factors are likely that could influence the future volume and treatment of waste arisings:

- The effect economic activity has on the quantity of waste arisings generated. For example, a sector may grow or decline over the plan period and there may be a relationship between the size of the sector within the two authority areas and the amount of waste it creates (figures can be determined to reflect predicted changes in employment in each of the sectors over the plan period)
- The effect economic activity has on the quantity of waste arisings generated may however not have a straight forward relationship between employment numbers in a sector and the consequent waste produced. It may well be that the waste generated per sector is influenced by other factors beyond employee numbers, such as changes in production techniques and the ability for re-use of materials or significant changes with technology advancement. Specific waste minimisation implementation measures could also override employment changes (again factors can be used to predict these potential factors)
- Fiscal/financial factors, in particular the impact of the announced landfill tax increases (£80 per tonne in 2014/15), together with higher environmental and climate change awareness, have the potential to drive demand for changes in waste management practice for the larger waste streams generated: commercial, industrial and construction and demolition waste
- Industry responses to the legislative drive for the implementation of the waste hierarchy, principally driving waste away from landfill to recycling and recovery, and
- Recycling potential, particularly for commercial and industrial waste, is increasing with the greatest opportunity for mixed waste. However, difficulties with materials separation of mixed waste and economic factors, such as the value of energy recovered from waste classed as a renewable resource, may drive demand for use of this resource as energy recovery rather than recycling.

In order to predict where we want to be, a number of influencing scenarios were developed to be run through a bespoke interactive model compiled to support the

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WNA. Running the model generates any waste management capacity gaps which can then be identified and analysed, with respect to waste type and source, under a number of different parameters that make up the scenarios. The scenarios were chosen in consultation with both Councils.

The Waste Need Assessment under the different scenarios modelled predicts capacity gaps and requirements over the plan period for Cheshire East and for Cheshire West and Chester. Three scenarios were run through the model: optimum, worst case and an alternative to reflect the residual municipal waste treatment with funding re-directed to municipal food recycling. See **Appendix 2** (Section 10.6) for details of the scenarios and **Appendix 3** to cover the results from running the alternative scenarios.

Scenario 1 was chosen because this scenario represents an optimum. It models a successful outcome to the authorities' municipal waste management strategies, and accords with National and EU waste management policy with respect to the waste hierarchy for non-municipal waste arisings. In this scenario recycling targets for municipal waste set by the Councils, as unitary waste collection and disposal authorities, are achieved and recycling potential identified through analysis of the North West Regional Commercial and Industrial waste survey 2009 and Environment Agency data (2008) on deposited construction and demolition waste and for the agricultural sector are also achieved.

The preferred "optimum" scenario represents a successful outcome to the authorities' municipal waste management strategies and accords with national and EU waste management policy with respect to the waste hierarchy for non-municipal arisings. In this scenario a number of assumptions were made:

- Growth/decline (economic impacting on waste arisings) relationship on both municipal (via population scale over the plan period) and non-municipal wastes (by sector growth/decline influence, excluding agricultural sector growth/decline based upon past historical trends of activity)
- The Cheshire East contract changes go ahead as planned and recycling targets are achieved alongside residual treatment through the residual waste management contract (54% by 2020, 46% treatment, 5% of secondary materials from treatment to landfill, 58% recycling by 2030, 42% treatment and 5% of secondary materials from treatment to landfill)
- The Cheshire West and Chester contract goes ahead as planned and recycling targets are achieved alongside residual waste treatment through the residual waste management contract (60% recycling 2014, 40% residual treatment, 5% of secondary materials from treatment to landfill, 70% recycling by 2019, 30% treatment, 5% of secondary materials from treatment to landfill)
- C&I recycling rate for mixed waste reaches 90% diversion by 2020
- CD&E recycling rate reaches 75% by 2020
- Agricultural waste recycling increases 50% by 2020
- Sites with planning permission but not yet operational at the start of the plan period would become operational as planned within the plan period (this includes sites such as those providing significant capacity at Ince Marshes and Kinderton Lodge landfill site)

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In this scenario recycling targets for municipal waste set by the Councils, as unitary waste collection and disposal authorities, are achieved, as is the recycling potential identified through analysis of the North West Regional Commercial and Industrial Waste survey 2009 and Environment Agency data 2008 on deposited construction and demolition waste and for the agricultural sector.

**Table E3 Where we want to be Cheshire East – Optimum Scenario**

Waste Type	Municipal	C&I	CD&E	Agriculture
<b>2020 Recycled/composted</b>	54%	75% (mixed waste only)	75%	50%
<b>2020 Treatment</b>	44%		25%	50%
<b>2020 Landfill</b>	2%	25%		
<b>2030 Recycled/composted</b>	58%			
<b>2030 Treatment</b>	41%			
<b>2030 Landfill</b>	1%			

**Table E4 Where we want to be Cheshire West and Chester – Optimum Scenario**

Waste Type	Municipal	C&I	CD&E	Agriculture
<b>2014 Recycled/composted</b>	60%			
<b>2014 Treatment</b>	38%			
<b>2014 Landfill</b>	2%			
<b>2019/20 Recycled/composted</b>	70%	75%	75%	50%
<b>2019/20 Treatment</b>	28%	25%	25%	50%
<b>2019/20 Landfill</b>	2%			
<b>2030 Recycled/composted</b>	70%	75%	75%	50%
<b>2030 Treatment</b>	28%	25%	25%	50%
<b>2030 Landfill</b>	2%			

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## Current Facilities

The current waste facilities with their capacity as at 08/09 are summarised in Table E5 for Cheshire East and Table E6 for Cheshire West and Chester.

Further details are contained in **Appendix 2** (Section 10.5).  
Summary of current capacity volumes (08/09):

### Landfill Cheshire East

Landfill (non-hazardous) – current throughput 205,000t with 1,394,000t void space

Landfill C&D – current throughput 11,000t with unknown void space

Landfill unique – current throughput 45,000t with 100,000t void space

### Other waste treatment Cheshire East

Recycling – current throughput and capacity unknown

Recycling C&D – current throughput unknown, capacity 35,000t

Metals recycling – current throughput 25,000t, capacity 42,000t

Composting – current throughput 42,000t, capacity 622,000t

### Landfill Cheshire West and Chester

Landfill (non-hazardous) – current throughput 250,000t with 5,084,000t void space

Landfill C&D – no facilities

Landfill unique – current throughput 622,000t with 1,900,000t void space

### Other waste treatment Cheshire West and Chester

Recycling – current throughput unknown, capacity 1,044,000t

Recycling C&D – current throughput unknown, capacity 250,000t

Metals recycling – current throughput unknown, capacity 155,000t

Composting – current throughput 40,000t, capacity 100,000t

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**Table E5 Available Capacity in 2010 (using 2008/09 figures) Cheshire East**

Cheshire Name	Waste Management Type	Existing Sites	Planned but not operational
Cheshire East	Landfill (non-hazardous)	2	
Cheshire East	Landfill (C&D)	1	
Cheshire East	Landfill(unique)	2	
Cheshire East	Treatment Plant	2	
Cheshire East	Recycling		2
Cheshire East	Composting	5	1
Cheshire East	Recycling C&D	2	1
Cheshire East	Transfer Station	23	3
Cheshire East	Waste Water Treatment	1	
Cheshire East	Metals Recycling	4	

**Table E6 Sites with planning permission not operational at the start of the plan period within Cheshire East**

SiteName	Op	SiteStatusID	WasteManagemer	AnnualPermitted
Crewe Gates Industrial Estate, Crewe		Has planning permission	Transfer station	
Danes Moss Landfill Site, Congleton Road, Gawsworth,		Has planning permission	Transfer station	8300
Norton Way, Moss Lane Industrial Estate, Sandbach		Has planning permission	Transfer station	120000
Hall Farm, Reaseheath College, Main Road, Worleston,		Has planning permission	Composting	14200
White Moss Quarry, Radway Green, Crewe		Has planning permission	Recycling (non-C+D)	45000
Shed Site on Land off, Brickhill Lane, Ashley		Has planning permission	Recycling (non-C+D)	4750
Cheshire Demolition. 72 Moss Lane, Macclesfield		Has planning permission	Recycling (C+D)	25000

## EXECUTIVE SUMMARY

**Table E7 Available Capacity in 2010 (using 2008/09 figures) Cheshire West and Chester**

Cheshire Name	Waste Management Type	Existing Sites	Planned but not operational
Cheshire West & Chester	Landfill (non-hazardous)	1	1
Cheshire West & Chester	Landfill (C&D)		
Cheshire West & Chester	Landfill (unique)	6	
Cheshire West & Chester	Treatment Plant	1	2
Cheshire West & Chester	Recycling	2	5
Cheshire West & Chester	Composting	4	2
Cheshire West & Chester	Recycling C&D		2
Cheshire West & Chester	Transfer Station	18	1
Cheshire West & Chester	Waste Water Treatment	2	
Cheshire West & Chester	Metals Recycling	2	

**Table E8 Sites with planning permission not operational at the start of the plan period within Cheshire West and Chester**

Cheshire Name	Site Status ID	Waste Management ID	Annual Permitted	Void at end of 2009
Kinderton Lodge, Cledford Lane, Middlewich	Has planning permission	Composting	10500	
Kinderton Lodge, Cledford Lane, Middlewich	Has planning permission	Recycling (non-C&D)	26000	
Land at Ince Marshes, Cheshire	Has planning permission	Transfer Station	100000	
Land at Ince Marshes, Cheshire	Has planning permission	Recycling (C&D)	100000	
Land at Ince Marshes, Cheshire	Has planning permission	Recycling (non-C&D)	250000	
Land at Ince Marshes, Cheshire	Has planning permission	Recycling (C&D)	150000	
Land at Ince Marshes, Cheshire	Has planning permission	Recycling (non-C&D)	100000	
Land at Ince Marshes, Cheshire	Has planning permission	Incineration with Energy Recovery	600000	
Kinderton Lodge, Cledford Lane, Middlewich	Has planning permission	Landfill (non-hazardous)		2400000
Land at Ince Marshes, Cheshire	Has planning permission	Composting	40000	
Land within Brunner Mond Works, Griffiths Rd	Has planning permission	Recycling (non-C&D)	180000	
Land at Ince Marshes, Cheshire	Has planning permission	Recycling (non-C&D)	100000	
Viridor Lostock	Has planning permission	Residual Waste Treatment	200000	



## Conclusions

Disposal to landfill has historically provided the dominant form of waste management. This position is now changing in response to the requirements of the EU Waste Hierarchy and national policy and is backed by legislation, fiscal and producer responsibility initiatives. The annual escalation of Landfill Tax now means that landfill disposal is becoming uncompetitive with alternative management options. These options include recycling, composting and a range of treatment options including various methods of recovering energy from waste and waste treatment products.

The Waste Need Assessment therefore reflects the requirement to develop the new waste management options and facilities to respond to these changes over the next 17- 20 years and provides the implications for management of these waste arisings within the authority boundaries.

The WNA included developing a model through which different option scenarios were run, which predicted capacity gaps and requirements over the plan period for Cheshire East and for Cheshire West and Chester. Scenario 1 provided the optimum result in conformance with the Waste Hierarchy and the available evidence on waste arisings and their management potential by material type.

## Cheshire East

Total waste requiring management falls from 827,308 tonnes generated in 2010 to 797,290 tonnes in 2030 applying Scenario 1 for the WNA.

<b>Municipal Waste</b>	<b>Approx 211,000 tonnes produced in 2009</b>
------------------------	---

In 2009;

- 52.6% (111,000 tonnes) of waste was landfilled at two sites within Cheshire East
- 26.6% (54,000 tonnes) was recycled (inside and external to Cheshire East)
- 21.8% (46,000 tonnes) was composted at open windrow composting sites which may need to be replaced in the medium term (in light of the Environment Agency position on open windrow and bio-aerosols there is uncertainty concerning future conformity).

Currently no waste management facilities involving treatment or incineration exist within Cheshire East to process the residual municipal waste currently going to landfill. Although planning permission to build a Mechanical Biological Treatment Plant (MBT) and other treatment plants has been granted in Cheshire West and Chester, no contractual basis exists to process residual waste through any of these facilities at present.

The two operational landfill sites have a combined remaining capacity of 1.3 million tonnes but also take commercial and industrial waste and are estimated to be full by

## EXECUTIVE SUMMARY

2018. Running Scenario 1 there will be a predicted landfill gap from 2018 in the order of 50,000 tonnes per annum.

<b>Commercial and Industrial Waste</b>	<b>Approx 441,000 tonnes produced in 2009</b>
--	---

In 2009:

- 25% (113,000 tonnes) of waste was landfilled
- 54% (239,000 tonnes) was recycled
- 13% (59,000 tonnes) was composted

Currently the majority of the recycling takes place outside Cheshire East (for example at UPM Shotton) and there is a capacity gap of between 300,000 to 400,000 tonnes per year applying Scenario 1. This is equivalent to 6 to 8 facilities each with a capacity of 50,000<sup>1</sup> tonnes per annum increasing in the later plan life to a further requirement of 2 additional recycling facilities from 2028 to 2030 for complete self sufficiency within Cheshire East.

Although sufficient composting facilities exist, these are open windrow and may need to be replaced over time if they are shown not to comply with the changed position of the Environment Agency or are at landfill sites with time limited planning permissions.

The small capacity gaps in specialist facilities for treatment and Energy from Waste are unlikely to warrant the investment needed for new plant development within Cheshire East to serve Cheshire East arisings alone and these wastes are likely to be exported to regionally significant facilities outside the district boundary (the gaps from Scenario 1 are approx 11,000 tonnes for treatment per annum and 3,500 for EfW and incineration without energy recovery 4,800 per annum).

<b>Construction, Demotion and Excavation Waste</b>	<b>Approx 181,000 tonnes produced in 2009 (from licensed sites)</b>
--	---

The majority of this waste stream does not get accurately recorded as the data collection has historically been poor and not fully collated and remains so. Whilst data is collected by the Environment Agency for sites subject to environmental permits, CD&E is also managed, recycled and disposed of, through sites and activities that, whilst requiring planning permissions, are exempt from such permits and data from these sites is not collected.

Considerable quantities of this type of waste are also recycled into aggregate, again for which very little information is currently available. It is recommended that Cheshire East should undertake a survey of all sites undertaking such activities to ascertain capacity to enable this report to be updated in the future and also confirm

<sup>1</sup> Figure of 50,000 tonnes for facility size based upon ODPM publication - Planning for Waste Management Facilities (2004) details provided in Appendix 4.



## EXECUTIVE SUMMARY

the Revised Waste Framework Directive targets are complied with for these waste types.

<b>Hazardous Waste</b>	<b>Approx 28,000 tonnes produced in 2008</b>
------------------------	--

This is not additional tonnage, as this type of waste occurs within Municipal, Commercial and Industrial, Construction, Demolition and Excavation wastes and the figures within the report for the wastes include the hazardous elements. Only a small proportion (11%) of hazardous waste is managed within the boundary of both authorities, the majority being exported throughout the UK and it is assumed that this pattern will continue. No facilities are available to treat this waste in Cheshire East and it is therefore exported and it is assumed that this will continue over the lifetime of the plan period.

Although clinical waste can be classified as hazardous, there is very little data available on the amount of waste generated or its final destination for management, although it is known that waste requiring incineration is exported and it is assumed that this will also continue over the plan period.

<b>Agricultural Wastes – Cheshire East</b>	<b>Approx 694,000 tonnes generated Only 1200 tonnes leaving farm holdings (based on 2003 DEFRA agricultural waste survey and 08 farm holding survey)</b>
--	--

Although a large volume of Agricultural waste is generated in Cheshire East, very little leaves the farm for management. No specific new facilities are required to deal with this waste.

<b>Sewage Sludge</b>	<b>483,000 tonnes 2009</b>
----------------------	----------------------------

No new facilities are required over and above the planned operational asset plans at the existing facility at Crewe WWTW.

## EXECUTIVE SUMMARY

**Cheshire West and Chester**

Total Waste requiring management rises from 747,635 tonnes in 2010 to 763,036 in 2028, applying Scenario 1 for the WNA.

<b>Municipal Waste</b>	<b>Approx. 189,000 tonnes produced in 2009</b>
------------------------	--

In 2009:

- 50% (95,000 tonnes) of waste was landfilled at the single non-hazardous landfill within Cheshire West and Chester
- 31% (58,000 tonnes) was recycled (inside and external to Cheshire West and Chester)
- 19% (36,000 tonnes) was composted at open windrow composting sites mostly associated with landfill sites.

Currently no waste management facilities for treatment or incineration are operational within Cheshire West and Chester to process the residual municipal waste currently going to landfill. Although planning permission to build a Mechanical Biological Treatment plant (MBT) and other treatment facilities has been granted, no contractual basis exists to process residual waste through any of these facilities. MBT does not completely treat wastes and requires a secondary treatment process involving incineration, landfill or land spreading dependent upon the wastes involved.

The single operational landfill has capacity of approx 2.5 million tonnes but also takes industrial and commercial wastes and the planning permission currently expires in 2017 (although on current inputs is unlikely to have been filled to its consented capacity by this date). An additional landfill was granted planning consent in 2007 but has not been started and the void space generation is dependent upon mineral extraction. Any delay in the commencement could have consequences for the future waste management of both municipal and commercial and industrial wastes.

<b>Commercial and Industrial Waste</b>	<b>Approx 345,000 tonnes produced in 2009</b>
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In 2009:

- 28.7% (99,000 tonnes) of waste was landfilled
- 56.8% (196,000 tonnes) was recycled
- 6.1% (21,000 tonnes) was composted
- 3.7% (13,000 tonnes) was treated
- 3.1% (11,000 tonnes) was incinerated

Commercial waste is currently landfilled with municipal waste at the Gowy Landfill, which has a time limited consent until 2017 when a new landfill will be required unless the consented but not yet operational site at Kinderton Lodge commences operation, deferring the need for a new landfill until approx 2025.

## EXECUTIVE SUMMARY

Currently the majority of the recycling takes place outside Cheshire West and Chester authority boundaries and there is therefore a recycling capacity gap of 93,000 tonnes per annum, equivalent to 2 facilities (with a capacity of 50,000 tonnes per annum). However a number of facilities have been granted planning permission which, if implemented, would create a surplus local capacity over and above the direct needs of Cheshire West and Chester.

Although sufficient composting facilities exist, these are all open windrow sites and may need to be replaced over time if they are shown not to comply with the changed position of the Environment Agency.

Surplus capacity exists for treatment by incineration without energy recovery due to the presence of the regionally significant site located within the authority's boundary, Ellesmere Port Incinerator.

The small capacity gap for Energy from Waste facilities would in itself be unlikely to warrant investment in facilities, but should any of the plants already with planning permission but not yet operational be built they would provide capacity for this waste (subject to pre-treatment).

<b>Construction, Demolition and Excavation Waste</b>	<b>Approx 218,000 tonnes produced in 2009 from licensed sites</b>
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The majority of this waste stream does not get accurately recorded as the data collection has historically been poor, not fully collated and remains so. Whilst data is collected by the Environment Agency for sites subject to environmental permits, CD&E is also managed, recycled and disposed of, through sites and activities that, whilst they may require planning permissions, are exempt from such permits and data from these sites is not collected.

Considerable quantities of this type of waste are also recycled into aggregate, again for which very little information is currently available. It is recommended that Cheshire West and Chester should carry out a survey of all sites undertaking such activities to ascertain capacity to enable this report to be updated in the future and also to confirm that the Revised Waste Framework Directive targets is complied with for these waste types. From the information currently available there is a capacity gap of 166,000 tonnes per annum equating to 2 larger facilities or 6/7 smaller facilities being required to provide the additional capacity for management within the boundaries of Cheshire West and Chester.

Cheshire West and Chester has an immediate capacity gap of 42,000 tonnes per year for the landfill of inert CD&E wastes reducing down over the plan period to approx 12,000 tonnes per annum under Scenario 1 (which has a target for 75% diversion by 2020).

## EXECUTIVE SUMMARY

<b>Hazardous Waste</b>	<b>Approx 25,000 tonnes produced in 2008</b>
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This is not additional tonnage as this type of waste occurs within Municipal, Commercial and Industrial, Construction, Demolition and Excavation wastes and the figures within the report for the wastes include the hazardous elements. Only a small proportion (11%) of hazardous waste is managed within the boundary of both authorities, the majority being exported throughout the UK and it is assumed that this pattern will continue.

Facilities exist in Cheshire West and Chester to treat or dispose of some of this waste in national/regionally significant facilities, but because of the specialist nature of hazardous waste, the majority of hazardous waste produced in Cheshire West and Chester is still exported, although a significant amount of hazardous waste is imported to these national/regionally significant sites.

Although clinical waste can be classified as hazardous, there is very little data available on the amount of waste generated or its final destination for management. Cheshire West and Chester has no facilities for treating this waste and it is exported out of the area and it is assumed that this will continue for the plan period of the WNA.

<b>Agricultural Wastes – Cheshire West and Chester</b>	<b>Approx 516,000 tonnes generated Only 954 tonnes leaving farm holdings (based on 2003 DEFRA agricultural waste survey and 08 farm holding survey)</b>
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Although a large volume of Agricultural waste is generated in Cheshire West and Chester, very little leaves the farm for management. No specific new facilities are required to deal with this waste.

<b>Sewage Sludge</b>	<b>240,000 tonnes, 2009</b>
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No new facilities are required over and above the planned expansion at the existing facility at Tattenhall Waste Water Treatment Works (WWTW).

<b>Radioactive Waste</b>	<b>29.5 cubic metres, 2007</b>
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Low level radioactive waste is generated within Cheshire West and Chester by both the nuclear industry and non nuclear industry and is currently landfilled at a site in Lancashire or remains stored on site. It is assumed that material will continue to be encapsulated and/or treated off site over the plan period. However alternative provision may be required post 2015, as the site in Lancashire currently only has planning permission until that year.

## EXECUTIVE SUMMARY

**Upkeep of Model**

The model and its database should be kept up to date as and when new capacity comes on stream and can be reviewed on a regular basis should any of the assumptions used in the scenarios change to reflect policy changes. It is further recommended that it should be reviewed prior to any formal submission of the Local Development Framework Core Strategy Development Plan Document.

Draft

## QUALITY ASSURANCE

**Report Title:** Cheshire East and Cheshire West and Chester Waste Needs Assessment Report

**Authors:** Gill Tatum, Peter Greifenberg (Griffin Hill trading as 4Resources Ltd), Mandy Smith

**Date:** 4<sup>th</sup> May 2011

**Project Delivery:** Gill Tatum (Project Manager/Waste Consultant), Peter Greifenberg (Waste Consultant), Mandy Smith (IT Development)

**Prepared For:** Cheshire East and Cheshire West and Chester Councils



**Contact(s):** Anne Mosquera, Richard House

**Report Status:** March2011 Report

COMMERCIAL IN CONFIDENCE

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**Quality Approvals**

	<b>Name</b>	<b>Signature</b>
<b>Project Director</b>	Gill Tatum	
<b>Quality Reviewer</b>	Peter Scholes	
<b>Quality Review</b>	<b>Date</b>	08-06-11

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## Cheshire East Waste Needs Assessment

Presentation to  
Environment and Prosperity & Scrutiny  
Committee  
13<sup>th</sup> September 2011




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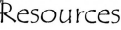

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### Content

- Objective of WNA
- Process
- Results

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### Why producing WNA?

<ul style="list-style-type: none"> <li>• Part of an evidence base of studies</li> <li>• A comprehensive analysis of the type and number of waste management facilities required to be planned for within the Local Development Framework (LDF) Core Strategy for Cheshire East</li> <li>• Assessment which is able to simulate future waste facility requirements under a range of scenarios</li> </ul>	<p><u>All</u> waste streams;</p> <ul style="list-style-type: none"> <li>• Municipal,</li> <li>• Commercial and industrial (C&amp;I)</li> <li>• Construction and demolition and excavation (CD&amp;E)</li> <li>• Hazardous waste</li> <li>• Sewage sludge</li> <li>• Agricultural</li> <li>• Low level nuclear/non nuclear</li> </ul>
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Process

- WNA produced jointly with Cheshire West and Chester
- Consultants & staff identified all current active waste management facilities in Borough
- Using most up to date information assessed current waste arisings across Cheshire East, how much waste imported to CE for treatment and how much exported for treatment
- Developed bespoke model to predict waste arisings over next 10 years (economic/fiscal/growth measures) and to match against the capacity of existing facilities and those with planning permission (estimating when become active) to identify the “gap” for internal self sufficiency waste management.

Resources

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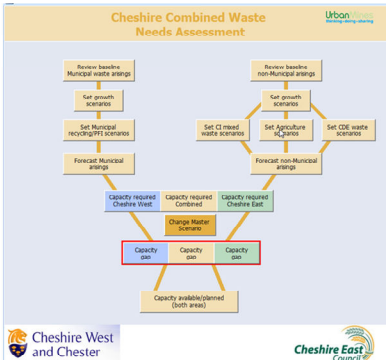
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Process

Screenshot Of Bespoke Model



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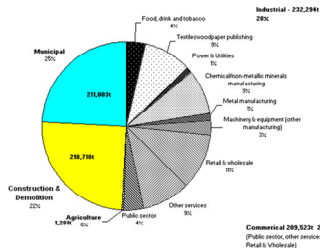
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Results

Where we are now?

Total Arisings: 872,810

Cheshire East Principal Waste Arisings



Sector	Arising	Percentage
Industrial	232,294	26%
Commercial	209,523	24%
Municipal	210,893	24%
Construction & Demolition	-	22%
Agriculture	1,348	0.1%
Public sector	41	0.05%
Food, drink and tobacco	-	4%
Textiles/clothing publishing	-	3%
Power & utilities	-	3%
Chemical/other-metallic minerals	-	3%
Metal manufacturing	-	3%
Machinery & equipment (other manufacturing)	-	3%
Plastic & other materials	-	3%
Other industries	-	3%

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### Where are we now?

**Current waste arisings for Cheshire East (09), 1000 tonnes showing total wastes (including all agricultural wastes managed within land holdings). Management location includes inside and outside of Cheshire East boundaries.**

Waste Type	Total	Recycled	Composted	Treatment	Incinerated	Landfilled
<b>Cheshire East 000s Tonnes</b>						
Municipal	211	54	46	0	0	111
Commercial	209	130	0	4	6	69
Industrial	232	109	59	13	7	44
CD&E	218	165	0	0	0	53
Agricultural	693	0	692	0	0	1
Sewage Sludge	483	0	0	483	0	0
Radioactive	0	0	0	0	0	0
<b>Total</b>	<b>2046</b>	<b>458</b>	<b>797</b>	<b>500</b>	<b>13</b>	<b>278</b>

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### Where we want to be?

In order to predict where we want to be, a number of influencing scenarios were developed to represent economic, legal, and policy responses

**Change Master Scenario**

☒ **Scenario 1: Optimum** Back

☒ Growth with population (both areas) + ☒ CI and CDE growth, Agriculture no growth Select  
☒ Cheshire East contract changes, with Treatment + ☒ Cheshire West collection contract, with Treatment Select  
☒ 75% diversion by 2020 (CI Head) + ☒ 75% diversion by 2020 (CDE) Select  
☒ 50% diversion by 2020 (Agriculture) + ☒ Treatment plus sites with permission, start date, Select

☐ **Scenario 2: No growth** Back

☐ No growth (both areas) + ☐ No growth across all sectors Select  
☐ Cheshire East contract changes, with Treatment + ☐ Cheshire West collection contract, with Treatment Select  
☐ 75% diversion by 2020 (CI Head) + ☐ 75% diversion by 2020 (CDE) Select  
☐ 50% diversion by 2020 (Agriculture) + ☐ Treatment plus sites with permission, start date, Select

☐ **Scenario 3: Worst Case** Back

☐ Growth with population (both areas) + ☐ CI and CDE growth, Agriculture no growth Select  
☐ Treatment not agreed no food waste collection + ☐ Treatment not agreed no food waste collection Select  
☐ No additional recycling (CI) + ☐ No additional recycling (CDE) Select  
☐ No additional recycling (Agriculture) + ☐ Sites with permission, start date and capacity Select

☐ **Scenario 4: Alternative to PFI** Back

☐ Growth with population (both areas) + ☐ CI and CDE growth, Agriculture no growth Select  
☐ Treatment not agreed no food waste collection (CI) + ☐ Treatment not agreed no food waste collection (CDE) Select  
☐ 75% diversion by 2020 (CI Head) + ☐ 75% diversion by 2020 (CDE) Select  
☐ 50% diversion by 2020 (Agriculture) + ☐ Sites with permission, start date and capacity Select

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### Where we want to be?

Scenario 1 chosen ; **Optimum.**

- a successful outcome to the authorities' municipal waste management strategies,
- accords with National & EU waste management policy with respect to the waste hierarchy for non-municipal waste arisings.
- recycling targets for municipal waste set by the Council, as unitary waste collection & disposal authorities, are achieved
- recycling potential identified through analysis of the North West Regional Commercial & Industrial waste survey 2009 and Environment Agency data (2008) on deposited construction & demolition waste & for the agricultural sector are also achieved.

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## Optimum Scenario

Waste Type	Municipal	C&I	CD&E	Agriculture
2020 Recycled/composted	54%	75% (mixed waste only)	75%	50%
2020 Treatment	44%		25%	50%
2020 Landfill	2%	25%		
2030 Recycled/composted	58%			
2030 Treatment	41%			
2030 Landfill	1%			

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## Available Capacity

Available Capacity in 2010 (using 2008/09 figures)  
Cheshire East

Cheshire Name	Waste Management Type	Existing Sites	Planned but not operational
Cheshire East	Landfill (non-hazardous)	2	
Cheshire East	Landfill (C&I)	1	
Cheshire East	Landfill (inert)	2	
Cheshire East	Treatment Plant	2	
Cheshire East	Recycling		2
Cheshire East	Composting	5	1
Cheshire East	Recycling C&I	2	1
Cheshire East	Transfer Station	19	2
Cheshire East	Waste Water Treatment	1	
Cheshire East	Metals Recycling	4	

## Sites with planning permission not operational at the start of the plan period within Cheshire East

SiteName	Op. / SiteStatus	WasteManagement	AnnualPermitted
Crewe Gates Industrial Estate, Crewe	Has planning permission	Transfer station	8300
Brown Moss Landfill site, Conderton Road, Garswood	Has planning permission	Transfer station	120000
Horton Way, Moss Lane Industrial Estate, Sandbach	Has planning permission	Transfer station	14200
Hall Farm, Renshaw Heath College, Main Road, Worleston	Has planning permission	Composting	45000
White Moss Quarry, Radway Green, Crewe	Has planning permission	Recycling (non-C&I)	4750
Red Site on Land off, Brookfield Lane, Ashley	Has planning permission	Recycling (non-C&I)	2000
Cheshire Demolition, 22 Moss Lane, Macclesfield	Has planning permission	Recycling (C&I)	

Resources

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## Headline Results

Total waste requiring management falls from 827,308 tonnes generated in 2010 to 797,290 tonnes in 2030 applying Scenario 1 for the WNA.

Waste Management Treatment Type	Capacity gap (tonnes) per annum	Comments
Landfill (Non-hazardous)	Gap from 2018 in the order of 50,000t	1 landfill or extension to provide 50,000t capacity per annum required from 2018
Landfill (Inert)	No gap	No additional requirements
Recycling (Non-hazardous)	Gap – 300,000t – 400,000t whole plan period	Immediate 6 – 8 facilities (assuming 50,000t capacity each) from 2010 required to 2028. Further 2 facilities required 2028 – 30
Recycling (Inert)	Gap 135,000 – 180,000t 2010 – 30	Immediate 3 facilities (assuming 25,000t capacity each facility) from 2010 – 28, additional 2 facilities required from 2028 – 30
Composting*	No gap	No additional requirements

Resources

\*Current composting facilities are all windrow. In light of the Environment Agency position on open windrow & bio-screens, there is however uncertainty concerning future conformity & these sites may need to be replaced.

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### Headline Results

Waste Management Treatment Type	Capacity gap (tonnes) per annum	Comments
Residual municipal waste treatment	No gap (providing plant becomes operational to provide for in the order of 100,000 t arisings from 2014 & joint operation with CW&C goes ahead)	200,000t MBT facility given planning permission to Viridor (Lostock Site, CW&C) required to become operational by 2014 for use by CE
Treatment (MSW/C&I)	Gap 11,000t per annum reducing down to 6,000t by 2030	Additional specialist treatment capacity of 11,000t per annum required reducing to 6,000t per annum by 2030
Energy from waste (MSW/C&I)	Gap ~ 3,500t whole plan period	Requirement of capacity of approx 3,500t per annum over the whole plan period
Incineration without energy recovery (MSW/C&I)	Gap ~ 4,800t whole plan period	Requirement of capacity of approx 4,800t per annum over the whole plan period
Incineration (specialist)	Gap ~ 4,000t per annum reducing to 2,100t over the whole plan period	Requirement of capacity of approx 4,000t in 2010 reducing to 2,100t in 2030
Waste water treatment	No gap	No additional requirements

Resources

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### Next Steps

- The model and its database should be kept up to date as and when new capacity comes on stream.
- It can be reviewed on a regular basis should any of the assumptions used in the scenarios change to reflect policy changes.
- It is further recommended that it should be reviewed prior to any formal submission of the Local Development Framework Core Strategy Development Plan Document.

Resources

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### Questions

Resources

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE**

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**Date of Meeting:**

**Report of:**

Head of Regeneration.

**Subject/Title:**

Amendments to the List of Streets.

**Portfolio Holder:**

Councillor Menlove.

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#### **1.0 Report Summary**

- 1.1 That the Committee members provide comments on the proposed Amendments to the List of Streets Policy (Appendix A).
- 1.2 The Council is required under statute namely the Highways Act 1980 to keep corrected up to date a comprehensive List of Streets maintainable at the public expense.
- 1.3 The List is to contain all roads, lanes, footpaths, bridleways, byways, restricted byways, squares, courts, alleys and passages which are considered to be maintainable at public expense.
- 1.4 At present this Council does not have in place a policy on any changes that are required to keep the List of Streets up to date. The legislation associated with the List of Streets is not thorough enough to be able to determine what format the so called "list" should be presented.
- 1.5 Currently any changes required to the List of Streets are received from a number of different sources. Types of evidence supplied to the Authority vary, from an adoption plan showing the road and extents to minutes from historical meetings of previous Councils.
- 1.6 There has never been any strict procedure in place prior to any changes to the existing highways that are considered to be maintainable at public expense. The policy will set out to ensure that any future changes to the List of Streets will have a proper audit trail. This will ensure that any subsequent claims on the highway network can be successfully supported with a policy that shows the changes have been correctly followed.

#### **2.0 Recommendations**

- 2.1 **Members of the Committee are asked to provide comments on the proposed List of Streets Policy prior to the Policy being submitted to the Portfolio Holder for Environment for formal approval.**

### **3.0 Reasons for Recommendations**

- 3.1 To ensure that any changes to the List of Streets through adding or removing streets are carried out to a robust structured procedure.

### **4.0 Wards Affected**

- 4.1 This report affects all wards equally.

### **5.0 Local Ward Members**

- 5.1 This report affects all wards equally.

### **6.0 Policy Implications**

- 6.1 There are no human resources implications of the recommended option.

### **7.0 Financial Implications (Authorised by the Borough Treasurer)**

- 7.1 The costs of implementing this policy will be that if documentary evidence is found to add a street that is currently not recognised as being a highway maintainable at public expense, there will be a financial issue on the Council to repair this newly found street. There may also be claims from property owners whose land adjoins these newly found streets for any monies they have spent in the past on the maintenance of what was previously thought to be an unadopted highway. It should be remembered that it is a duty of the Authority to keep the List of Streets up to date so is open to challenges at any time from anyone.

### **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 The legislation relating to the List of Streets is detailed in Appendix B. Whilst there are statutory requirements for the creation of a list of maintainable highways, there is nothing available as to how this list should be produced or how it can be properly amended.

### **9.0 Risk Management**

- 9.1 This Authority currently does not have any formal policy to deal with changes to the List of Streets. Implementing this policy will ensure this situation remedied to give a coherent, structured and consistent approach when dealing with any additions or removals to the List of Streets. With no policy currently in place the Authority is open to challenge from both internal and external pressures when any changes have been done incorrectly. It should be remembered that any decisions taken arising from this policy can be challenged in the courts.

## **10.0 Background**

- 10.1 The current legislation relating to the List of Streets is under Section 36(6) of the Highways Act 1980. Here at Cheshire East Council, this 'list' comprises in alphabetical order of all known adopted highways that are maintainable at public expense.
- 10.2 The List is to contain all roads, lanes, footpaths, bridleways, byways, restricted byways, squares, courts, alleys and passages which are considered to be maintainable at public expense. It is kept by all Highway Authorities throughout the country and by definition should include all highways. Some Highway Authorities have a map instead and it is thought that this is acceptable as an alternative to a "List".
- 10.3 It should be noted the current List does not contain any Public Rights of Way even though these are considered to be highways maintainable at public expense. These are recorded on the Authority's' definitive map and statement which is the legal record of public rights of way in Cheshire East. In law it is the definitive record of where a right of way is located. Local authorities in the UK have a statutory duty to maintain the Definitive Map. Each right of way also has a written description referred to as the Definitive Statement.
- 10.4 Historically various methods have been used to amend the List of Streets. Most of these were either from an officer sending notification the network was incorrect or by representation from individuals or organisations outside the Authority claiming to have new evidence to support the current list is incorrect.

### **How do other Highway Authorities amend their highway record?**

- 10.5 Through working with a number of Authorities across the country it has become apparent that there are no formal processes currently in place for any necessary changes to the List of Streets. The methods used by highway officers throughout the country varies considerably from just carrying out a change without challenge to those authorities who follow a strict consultation exercise to ensure all changes are properly documented.
- 10.6 It should be noted that there are several highway authorities who are reviewing their systems in how to amend the highway record. They are also to ensuring the public get the information needed to complete a highway search without the need for an undue delay to answer these sorts of queries.

### **The Way Forward**

- 10.7 In view of the fact that the List of Streets and the determination of the highway boundary is considered not to be easy to define, it seems sensible that a set of guide lines are drawn up. These can then be rolled out across countrywide so as to ensure consistency is in place to all relevant highway authorities. Cheshire East officers are leading the way in this endeavour and Chair the national Highway Records Working Group whose terms of reference include delivery of a nationally recognised policy.

## **Summary**

- 10.8 This policy has been written to ensure that there is a robust structured procedure to make any necessary changes to the List of Streets. The current system is considered not fit for purpose and leaves the door wide open to any challenges whether from an internal or external source.

### **11.0 Access to Information**

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

Name: Andrew Kelly  
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## **1.0 List of Streets Policy**

- 1.1 The policy to be followed will enable a coherent, structured and consistent approach when dealing with any additions or removals to the List of Streets
- 1.2 Before any addition or removal of a street from the List the appropriate investigation should be carried out. Once this has been completed a decision will be sort from the Environmental Services Portfolio Holder under their delegated powers.
- 1.3 If a formal adoption plan is available then this would without doubt be considered to be sufficient documentary evidence on its own to change the status of any particular street. However, it should be remembered that in exceptional circumstances the particular section of road may have been closed by some formal procedure and this would need to be checked out.
- 1.4 It should also be noted that all evidence contained in the documents listed below are open to interpretation. The considered opinions of the evidence may be contested by one or more officers. It is therefore essential that the officer writing the report for consideration is able to explain as to why the street should be added/removed from the list.

## **2.0 Adding a street to the List**

- 2.1 If a street is subject to one or more of the following then it would not be necessary to obtain a delegated decision. This would include if the street was subject to an agreement subject to Section 38 1980 Highways Act or section 40 1959 Highways Act, inclusion within a Section 278 agreement of the 1980 Highways Act, is included as being part of a Deed of Dedication or a grant was given by virtue of the Agriculture (Improvement to Roads) Act of 1955.

## **3.0 Trigger**

- 3.1 Request received from either internal or external person or organisation.

## **4.0 Highway Officer Consultation**

- 4.1 Seek the views of the local highway officer as to what they know about the street.

## **5.0 Site Visit**

- 5.1 This would be undertaken to fully understand the situation as it exists on the ground and to take photographs of the area.

## **6.0 User evidence**

- 6.1 This step would come into the equation in the event of any challenges to the public using a street. User evidence is evidence from users of a claimed way and relates to their individual use and the nature of that use along the street being

claimed. The Borough Council reserves the right to interview those who provide user evidence personally following submission of an application.

## **7.0 Primary research**

- 7.1 The list of documents to be looked at is not in any order of priority but is sufficient for an assessment to decide whether a street should be added to the List: Enclosure records, Finance Act information, Land Registry, Side Roads Orders (if appropriate), Quarter Session files, Dedication Agreements, Tithe records, County Council minutes, Parish Council minutes, Handover ledgers from previous Authorities, Grass Cutting schedules, Ordnance Survey records, Stopping up orders, deposited plans (if appropriate), Highway records, Planning records, Draft Definitive Map information, Aerial photographs from the Luftwaffe set through to the modern collection and Old County maps such as Greenwoods and others.

## **8.0 Secondary research**

- 8.1 The following documents could be viewed and again is in no order of priority but would be used if the above is not conclusive. Estate records, local histories and Mining records (if appropriate).

## **9.0 Further consultation**

- 9.1 This would only be carried out if the research of the documentary evidence above was not conclusive. Other consultees could include highway officers, Parish and Town Councils, landowners affected by the street and depending on whether the street is contentious will determine whether the consultation would include any user groups.
- 9.2 Any research undertaken must be looked at as a whole rather than identify one piece of evidence on its own. The only exception to this being if an adoption plan or similar exists for a street where this alone would be sufficient to add a street to the List.

## **10.0 Next steps**

- 10.1 In any report produced there needs to be an analysis of the findings of the research and to include a note as to why the street is considered to be a highway maintainable at public expense. If it is decided the street should be added then a plan should accompany the report to identify the full extent of the street to be added.
- 10.2 The report and plan would then be sent to the Environmental Services Portfolio Holder for an appropriate decision. If accepted the street can be amended accordingly on the List of Streets. It is not considered necessary to send any additions to anyone in the wider Community such as Parish Councils or user groups.

## **11.0 Removal of a street from the List**

- 11.1 This procedure would be similar to the one described for “Adding a street to the List” with a few exceptions. It should be noted that before any street was removed, there would have to be a series of steps so to satisfy all concerned that it definitely needs to be taken off the list of maintainable highways.

## **12.0 Trigger**

- 12.1 Request received from either internal or external person or organisation.

## **13.0 Area Office consultation**

- 13.1 Seek the views of the local highway officer as to what they know about the street.

## **14.0 Stopping up order**

- 14.1 Has this been carried out? Check the online London Gazette for any stopping up order ever having taken place?

## **15.0 Side Roads Orders**

- 15.1 This is an essential piece of documentary evidence that would automatically remove an entry. It should be remembered that the street may be just realigned or similar so the record would be updated accordingly.

## **16.0 Next steps**

- 16.1 In any report produced there needs to be an analysis of the findings of the research and to include a note as to why the street is considered not to be a highway maintainable at public expense. If it is decided the street should be removed then a plan should accompany the report to identify the full extent of the street to be removed.
- 16.2 The report and plan would be sent to the Environmental Services Portfolio Holder for an appropriate decision. If accepted the street can be amended accordingly on the List. It is not considered necessary to send any additions to anyone in the wider Community such as Parish Councils or any user groups.

## 1.0 List of Streets Legislation and Advice

There have been three pieces of legislation directly concerning the List of Streets:

- Public Health Act 1925
- Highways Act 1959
- Highways Act 1980

The first piece of legislation was under Section 84 of the Public Health Act 1925. It should be noted that this requirement applied to Urban District Councils only so any maintainable highways within the rural areas were not listed.

## 2.0 Public Health Act Section 84 (1) and (2):

*“Every urban authority shall, within six months after the commencement of this Act [8<sup>th</sup> September 1925], cause to be prepared a list of the streets within their district which are repairable by the inhabitants at large.*

*Any list prepared under this section shall be open to the inspection of any person, without payment, during the ordinary office hours of the urban authority”.*

The 1925 legislation and requirement survived until 1959. In this year the passing of the 1959 Highways Act was made which served solely as a consolidation Act to the 1835 Highways Act. The relevant part was section 38(6) and once again the only obligation to produce a list of maintainable highways was given to urban authorities.

## 3.0 Highways Act 1959 Section 38(6):

*“The council of every borough and urban district shall cause to be made, and shall keep corrected up to date, a list of the streets within their area which are highways maintainable at the public expense; and every list made under this subsection shall be kept deposited at the offices of the council by whom it was made and may be inspected by any person free of charge at all reasonable hours”.*

The requirement to list all highways maintainable at public expense was included in the 1980 Highways Act and like in 1959 was only a consolidation Act. The relevant part is found in sections 36(6) and (7). This time the requirement to keep the list of highways maintainable at public expense included the rural areas and specified where the lists can be found.

## 4.0 Highways Act 1980 Section 36 (6) and (7):

*“The council of every county and London borough and the Common Council shall cause to be made, and shall keep corrected up to date, a list of the streets within their area which are highways maintainable at the public expense.*

*Every list made under subsection (6) above shall be kept deposited at the offices of the council by whom it was made and may be inspected by any person free of charge at all reasonable hours and in the case of a list made by the council of a county, the county council shall supply to the council of each district in the county an up to date list of the streets within the area of the district that are highways maintainable at the public expense, and the list so supplied shall be kept deposited at the office of the district council and may be inspected by any person free of charge at all reasonable hours”.*

It should be noted that the requirements have altered slightly since 1925. The main points being that the “list” is to be inspected free of charge but also in the 1980 Act was a requirement to place a copy in each of the borough offices of the council. Here in Cheshire East Council although it is a Unitary Authority, copies are still placed in the old offices of the former boroughs.

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# **CESHIRE EAST COUNCIL**

## **REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE**

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**Date of Meeting:**

**Report of:** Head of Regeneration  
**Subject/Title:** Mirrors on the Highway  
**Portfolio Holder:** Councillor Menlove

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### **1.0 Report Summary**

- 1.1 That the Committee members provide comments on the proposed mirrors on the highway policy
- 1.2 Sometimes a 'blind exit' from a property or side road is dangerous - for both the driver emerging and those travelling along the main road. Whilst a mirror located on the main road may well help those joining the road, unfortunately a mirror is legally an obstruction on the highway so cannot be put up without the express permission of the Highway Authority and Department for Transport (DfT).

### **2.0 Recommendations**

- 2.1 **Members of the Committee are asked to provide comment on the proposed Highway Mirror Policy prior to the Policy being submitted to the Portfolio Holder for Environment for formal approval.**

### **3.0 Reasons for Recommendations**

- 3.1 To enable the Council to carry out its role as Highway Authority for Cheshire East and to fulfil its statutory obligations.

### **4.0 Wards Affected**

- 4.1 This report affects all wards equally.

### **5.0 Local Ward Members**

- 5.1 This report affects all ward members equally..

### **6.0 Policy Implications including - Climate change - Health**

- 6.1 There are no human resources implications of the recommended option.

- 6.2 The policy is intended to ensure that highway officers act in a fair and consistent way.

## **7.0 Financial Implications (Authorised by the Borough Treasurer)**

- 7.1 The Strategic Director confirms that the costs of implementing this policy will be met from existing budgets.
- 7.2 The applicant would be liable for the Council's costs in dealing with the application from submission through to outcome, whatever that may be. It would be prudent for the Council to require a deposit of £400 to cover the initial review. Costs would be on a rechargeable basis and the applicant charged/refunded accordingly. Should the application be taken forward to the DfT then the applicant would be required to make a further deposit to be assessed at the time.
- 7.3 Should the DfT grant a special authorisation then the Council would require the applicant to fund the costs for the supply, erection and a commuted sum for the ongoing maintenance of the highway mirror.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 Section 41 of the Highway Act 1980 imposes a duty on the Highway Authority to maintain highways which are maintainable at the public expense. The duty requires the highway authority to maintain the highway in a fit state to accommodate the ordinary traffic which passes or maybe expected to pass along it.
- 8.2 The duty is owed to all users, whether using vehicles or on foot, of the highway whether pedestrians or vehicle users. Section 130 of the Highways Act 1980 imposes a further duty on the highway authority to assert and protect the rights of the public to the use and enjoyment of the highway. This leads to the Council dealing with any unlawful interference with the highway such as encroachment on and obstruction of the highway.

## **9.0 Risk Management**

- 9.1 The Authority has a robust inspection and assessment regime which seeks to ensure that the road network is kept in a safe condition and that 'safety-related' defects are dealt with in a timely fashion. Maintenance works are planned and supervised to ensure safety for all affected parties and appropriate treatments are designed to minimise risks throughout the lifecycle of the asset.
- 9.2 Routine and cyclical maintenance operations play a key part in meeting the core objectives of highway maintenance which are to ensure network safety, serviceability and sustainability. The successful execution of regular, routine and cyclical maintenance works can contribute greatly to the visual appearance of the highway environment and street scene. Conversely, poor



routine/cyclical maintenance practices and policies generally lead to highways appearing to be unkempt and badly maintained.

## **10.0 Background**

- 10.1 On the face of it a mirror to aid motorists at a road junction or private access where visibility is restricted due to the alignment of the highway, vegetation, fence, wall or building etc. would seem a reasonable way forward.
- 10.2 However the placing of a mirror brings with it issues that could affect road safety. The following may well arise from the placement of a mirror on the highway which could impact on road safety:
- Distortion of reflected image, glare from sunlight or headlamps affecting the driver's vision.
  - Visibility issues during bad weather (rain, snow, frost).
  - Difficulty judging speed of an approaching vehicle from the mirror image.
  - Maintenance issues – mirrors could be prone to vandalism maintenance of their alignment and cleanliness is critical.
  - Reliance on the mirror's restricted image may compromise the safety of other road users (pedestrians and cyclists) who do not appear in the mirror.

## **National Regulations**

- 10.3 Mirrors are classified as a road traffic sign and as they are not prescribed in the Traffic Signs Regulations and General Directions (TSRGD), their use on the highway is subject to special authorisation by the Department for Transport (DfT). Requests for special authorisation to enable the placement of a mirror on the highway are assessed by the DfT against stringent criteria.

## **Special Authorisation**

- 10.4 The DfT will only consider Traffic mirrors on public roads in rural and semi-rural areas where:
- There is a collision history relating to a lack of visibility (the site would have to be discussed with the Police to establish any recorded incidents or collisions).
  - Visibility for vehicles emerging from the side road is severely restricted.
  - A visibility improvement scheme is not feasible.
  - Visibility cannot be improved by removing hedges, walls, trees or other obstacles.
  - The speed limit on the major road is above 30mph
- 10.5 The DfT does not encourage mirrors on the highway, and this is clearly reinforced through the assessment criteria above. Special authorisation will only be considered for junctions in rural/semi-rural locations where visibility is restricted and where there is evidence of accidents related to poor visibility and high speed crossing traffic at locations where a mirror is being requested.

- 10.6 The responsibility for deciding whether any road traffic sign or mirror is needed to maintain safety at a particular location rests with the local highway authority. If the authority is satisfied that the location meets the criteria set out by the DfT, is able to demonstrate that visibility cannot be improved by removal of any obstruction and is satisfied that the issues in paragraph 10.2 above would not override the benefits to road users then special authorisation would be considered by the DfT for the placement of a mirror on the highway.
- 10.7 Special authorisations are normally granted by the DfT on an experimental basis for a period of 12 months. At the end of that period, the highway authority and police would be asked to provide details about:
- The mirror's effectiveness in all weathers.
  - Any complaints from drivers that the mirror is confusing. (It has been found previously that the image a driver sees in the mirror can be distorted and can get the impression that an approaching vehicle is straight ahead when it is, in fact round a corner. Some mirrors are so large and convex that approaching drivers can see their own reflection).
  - Any report of difficulty by a driver in judging both the speed and distance of reflected vehicles.
  - Any problems with glare or sunlight.
  - Any report of damage by accident or vandalism.
  - Whether it has been necessary to clean the mirror.

If a satisfactory response is received to the above questions the special authorisation may be extended. The DfT retain the right to withdraw the authorisation by giving one month's notice should any unforeseen serious problems arise subsequently.

- 10.8 The DfT set out that the use of mirrors be restricted to sites in rural and semi-rural areas as outlined in paragraphs 10.4 and 10.5 above. There are very many junctions in towns which have bad visibility and to embark on the installation of mirrors at these junctions would proliferate their use and prove impractical and ineffective.
- 10.9 The basic requirement that there must be high speed crossing traffic would rarely apply at urban sites. Moreover a mirror could prove to be counter-productive as a safety measure in urban areas because it could lead to an increase in speed of emerging vehicles by drivers relying too much on the mirror. There might also be a tendency for drivers to concentrate their attention on the mirror and ignore the immediate surroundings, e.g. pedestrians crossing in front of the vehicle. A careful assessment is essential in order that existing hazards are not increased by inducing drivers to take less care than they would normally.

#### **Mirrors not on the Highway**

- 10.10 Mirrors may be sited off the highway on private land and that is a matter for the land owner and the person who places the mirror. Planning permission may be required and any applicant should be directed to the Council's

Planning Department. Any applicants should be advised that when placing a highway mirror on private property consideration should be given to public liability implications and risk assessment in the event that the mirror is cited as a contributory factor in a road traffic accident. Should any mirror overhang a highway maintainable at public expense, then a licence is required from the Highway Authority.

- 10.11 The Council would not normally be involved with mirrors that are sited off the highway (in private land), unless complaints of problems similar to those outlined above are being made to the Council. Should the Council ascertain that road safety is being compromised as a result of a mirror being placed not in but near to the highway the Council should use its powers to remove the mirror.

## **11.0 Access to Information**

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

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## **Mirrors on the Highway Policy**

### **Policy Proposal**

1. Whilst the placement of mirrors on the highway should not be encouraged there may be sites, albeit very few, that may benefit from a mirror. For any application for a mirror on the highway to be sanctioned the Council must first be satisfied that it meets the DfT's criteria. This would require a site investigation and review of the safety record of that location together with consultation with the police. Additionally information from Statutory Undertakers would be required in order to ensure there are no underground services in the vicinity of where the mirror is proposed to be sited.
2. If the application passes this initial review then the Council may consider submitting an application to the DfT. Should the initial review of the application not be successful the applicant should be informed accordingly.
3. The applicant would be liable for the Council's costs in dealing with the application from submission through to outcome, whatever that may be. It would be prudent for the Council to require a deposit of £400 to cover the initial review. Costs would be on a rechargeable basis and the applicant charged/refunded accordingly. Should the application be taken forward to the DfT then the applicant would be required to make a further deposit to be assessed at the time.
4. Should the DfT grant a special authorisation then the Council would require the applicant to fund the costs for the supply, erection and a commuted sum for the ongoing maintenance of the highway mirror.
5. Any mirrors that are placed in private property and are found to adversely affect highway safety the Council will use its powers to remove the mirror.

# **CHESHIRE EAST COUNCIL**

## **REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE**

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**Date of Meeting:** 13<sup>th</sup> September 2011  
**Report of:** Head of Regeneration  
**Subject/Title:** Pedestrian Crossing Policy  
**Portfolio Holder:** Councillor Menlove

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### **1.0 Report Summary**

- 1.1 The Committee is invited to provide comments on the proposed Pedestrian Crossing Policy.
- 1.2 The Borough Council currently does not have a policy on the assessment of locations for pedestrian crossings
- 1.3 Requests for pedestrian crossings are frequently received from a variety sources.
- 1.4 This policy provides a process for handling requests and the assessment procedure for determining the most appropriate form of crossing.

### **2.0 Recommendations**

- 2.1 **Members of the Committee are asked to provide comment on the proposed Pedestrian Crossing Policy (Appendix A) for Cheshire East prior to formal approval by the Environmental Services Portfolio Holder.**

### **3.0 Reasons for Recommendations**

- 3.1 To advise members of the proposed Pedestrian Crossing Policy and obtain comments prior to the formal approval by Environmental Services Portfolio Holder.

### **4.0 Wards Affected**

- 4.1 This report affects all wards equally.

### **5.0 Local Ward Members**

- 5.1 This report affects all ward members equally.

**6.0 Policy Implications including – Climate Change  
- Health**

- 6.1 There are no human resources implications of the recommended option.

**7.0 Financial Implications (Authorised by the Borough Treasurer)**

- 7.1 The Strategic Director confirms that the costs of implementing this policy will be met from existing budgets.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 Part III of the Road Traffic Regulation Act 1984 provides powers to local traffic authorities to establish; alter and remove crossings for pedestrians, and such crossings must be indicated in the manner prescribed by Regulations made under Section 25 of the Act.

- 8.2 The relevant regulations governing the detailed requirements include The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997 and The Traffic Signs Regulations and General Directions 2002. Before any establishment, alternation or removal of a crossing takes place, the Chief Officer of Police must be consulted, a public notice given, and the Secretary of State must be informed in writing.

- 8.3 Further guidance on assessment factors and choice of sites is found in the Department for Transport's Local Transport Note 1/95: The Assessment and Design of Pedestrian Crossings.  
The policy has been drafted taking into account of this legislation and guidance.

**9.0 Risk Management**

- 9.1 The Authority currently does not have a formal policy for the assessment and determination as to the most appropriate form of crossing for pedestrians. This policy will formalise the processes to be followed when receiving requests to provide safer crossing facilities. The policy supports the Authority's position when determining the risks to members of the public in crossing the carriageway at individual locations.

**10.0 Background and Options**

**10.1 Introduction**

The Borough Council is reviewing all its highway policies. Many requests for safer crossing facilities for pedestrians are received annually and this policy gives guidance to officers, Council Members and members of the public regarding the processes that will be followed when considering such requests. It also explains the role of the Local Area Partnerships in the process.

This policy will form part of a suite of highway related safety documents that link in to the main over arching Speed Management Strategy that will come before this committee in the near future.

## 10.2 Background

The demand for pedestrian crossing facilities far exceeds the Borough's available funding. As such there is a need for a consistent approach to the assessment of the appropriate form of crossing, if any, for each location and a means of prioritising implementation with regard to the limited resources available.

Historically, pedestrian crossing assessments have been based on a numerical score that measures the degree of conflict between vehicles and pedestrians.  $PV^2$  where P is the number of pedestrians crossing per hour over a 100m section and V is the number of vehicles per hour, was and still is a nationally recognised guidance as to the degree of conflict.

Current procedures follow the advice in Local Transport Note 1/95: The Assessment of Pedestrian Crossings. It is still based on a numerical score for assessed locations but incorporates factors to take account of site specific issues, such as community severance, the location of schools and the number of elderly pedestrians. The use of a numerical value gives a means of prioritising all locations for allocating funding. The current procedure has proved to be a robust tool in the decision making process and in defending decisions regarding the provision or none provision of facilities.

However, current procedures are not fully appropriate to Cheshire East's decision making process or its local working between Members and Local Area Partnerships (LAPs).

This proposed policy has taken the basis of the current assessment process but includes the role of local Members and LAPs in the decision making process.

The final recommendation as to the form of crossing will be based on local specific site information included in an Option Report.

## 11.0 Overview of Year One and Term One Issues

11.1 Not applicable.

## 12.0 Access to Information

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

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## **Pedestrian Crossings Policy**

### **Introduction**

Crossings are provided as amenities to give access and easier movement to pedestrians. Generally the provision of crossings should be targeted at the needs of those people who experience most difficulty and danger. It should not be assumed that the provision of a crossing alone will necessarily lead to a reduction in road accidents.

The purpose of a crossing is to provide pedestrians with a passage across a carriageway. Each type of crossing has advantages and disadvantages; the type chosen should be appropriate to the circumstances of the site and the demands and behaviour of road users.

### **Hierarchy**

#### *Traffic Management including Refuges*

It may be possible to create more crossing opportunities by:

- the provision of a refuge or
- installing traffic calming measures or
- build outs or narrowing the carriageway (to reduce the crossing time).

Refuges allow both pedestrians and cyclists to cross the road in two halves, reducing the size of gap between vehicles that they may require. Although such facilities aid the pedestrian or cyclist crossing the road, they can cause potential problems for cyclist travelling along the road because of the reduced width available for motorised traffic to pass. Refuges are most appropriate where the road is around 10 metres wide.

Build-outs or road narrowing to assist the pedestrian reduces the distance the pedestrian would have to cross on the carriageway. It also would allow motorised vehicles the opportunity to pass cycles on the off side because there would not be a central restriction. Narrowing of the carriageway can have the advantage of allowing the footway to be widened thus enhancing visibility past permanent obstructions, such as trees, post boxes, etc.

Vehicle speeds and the percentage of heavy vehicles may influence the local acceptability of either option.

#### *Zebra*

Zebra crossings should be considered where pedestrian flows are 1100 people per hour or less (averaged over the four highest hours) and where vehicle flows are 500 vehicles per hour or less (averaged over the four highest hours). Zebra crossings



are usually used where pedestrian flows are relatively low and traffic flows are no more than moderate. The likely effect of a Zebra crossing can be tested by checking the availability of gaps in the traffic. Gaps of around five seconds are needed for an able person to cross a 7 metre carriageway.

Vehicle delays are typically five seconds for a single able person crossing but can be much more where irregular streams of people cross over extended periods.

Zebra crossings are also best avoided on busy town centre streets or outside railway stations since this is likely to result in a constant stream of pedestrians claiming priority. Higher flows of pedestrians will cause substantial delay to vehicles and a Zebra crossing is less likely to be a satisfactory choice.

Where gaps in traffic flows are few, and waiting times long because people feel it may be hazardous to establish precedence, a Zebra crossing is likely to be unsuitable.

Where traffic speeds are higher than 30 m.p.h., people will require longer gaps in the traffic flow or be exposed to the risk of more serious injury if precedence is not conceded for any reason. Zebra crossings should not be installed on roads with an 85 percentile speed of 35 m.p.h. or above.

Zebra crossings should not be considered where there are significant numbers of vulnerable road users such as: unaccompanied children, elderly and people with disabilities.

When considering the installation of a Zebra crossing and pedestrian flows are high during the morning peak and at the end of the school day (but relatively low at other times), because of significant numbers of school children, then the presence of a school crossing patrol should also be taken into account when making the choice between types of crossing. A School crossing patrol can assist to ensure there are reasonable gaps for both vehicles and pedestrians.

### *Signal Controlled Crossings (Puffin / Toucan/ Pegasus)*

These are more suitable where:

- vehicle speeds are high, and other options are thought unsuitable;
- there is normally a greater than average proportion of elderly or disabled pedestrians;
- vehicle flows are very high and pedestrians have difficulty in asserting precedence;
- there is a specific need for a crossing for cyclists or equestrians;
- pedestrians could be confused by traffic management measures such as a contra-flow bus lane;
- there is a need to link with adjacent controlled junctions or crossings;
- pedestrian flows are high and delays to vehicular traffic would otherwise be excessive.

Caution should be exercised where pedestrian flows are generally light or light for long periods of the day. Drivers who become accustomed to not being stopped at the crossing may begin to ignore its existence, with dangerous consequences. The problems are accentuated as vehicle speeds increase.

### Assessment

The decision as to whether to install a crossing and the choice of option will depend on the following factors. Examples

- number of accidents,
- delays,
- local representations,
- local interest groups,
- cost
- relative priority with other sites.

### Initial request

Requests for pedestrian crossing facilities can come from a variety of sources. On receipt of a request an initial assessment of the collision history of the location will be carried out. Should it appear that the location does have a record of collisions resulting in injury to vulnerable road users then the location will be considered for inclusion in the Casualty Reduction programme. If the location does not meet this criteria, further consideration will only be given where supported by the local Ward Member through the Local Area Partnership Minor Highway Works process.

An initial site visit is to be carried out during the morning peak hour to determine whether the location is likely to meet the criteria for a pedestrian crossing. This initial assessment will identify any pedestrian desire line and the number of pedestrians crossing. Vehicle flows will be determined either from existing records or by a 15 minute on site count. From this information an estimated  $PV^2$  value is obtained. This gives an indication of the degree of conflict and is determined by multiplying the number of vehicles per hour (V) squared by the number of pedestrians crossing per hour (P) over a 100m section. From this information a site assessment report will be produced as indicated below with a recommendation to either carry out a detailed assessment or not.

A location that indicates a  $PV^2$  of less than  $0.1 \times 10^8$  will not normally be considered for any further investigation. Those that indicate a higher  $PV^2$  value will be a subject of a detailed assessment.

**INITIAL SITE ASSESSMENT INFORMATION**

Characteristic	Data and comments at DATE
Location	Location GR Class and type of carriageway Width of carriageway Width of footways v/ verges
Highway facilities	Road lighting, bus stops etc.
Visibility	Can desirable visibility standards be met? Are further parking restrictions required.
Complexity	Road junctions, other pedestrian crossings, public buildings or facilities, schools.
Crossing traffic	Approximate number of people crossing in peak hours. Noticeable groups. Approximate crossing time and difficulty of crossing
Vehicles	Approximate number of vehicles per day and type noticeable types. Peak hour flows. 85 percentile speed and speed limit.
Road accidents	5 year collision data, collisions involving vulnerable users
Estimated PV <sup>2</sup>	Based on initial site visit
<b>Recommendation</b>	

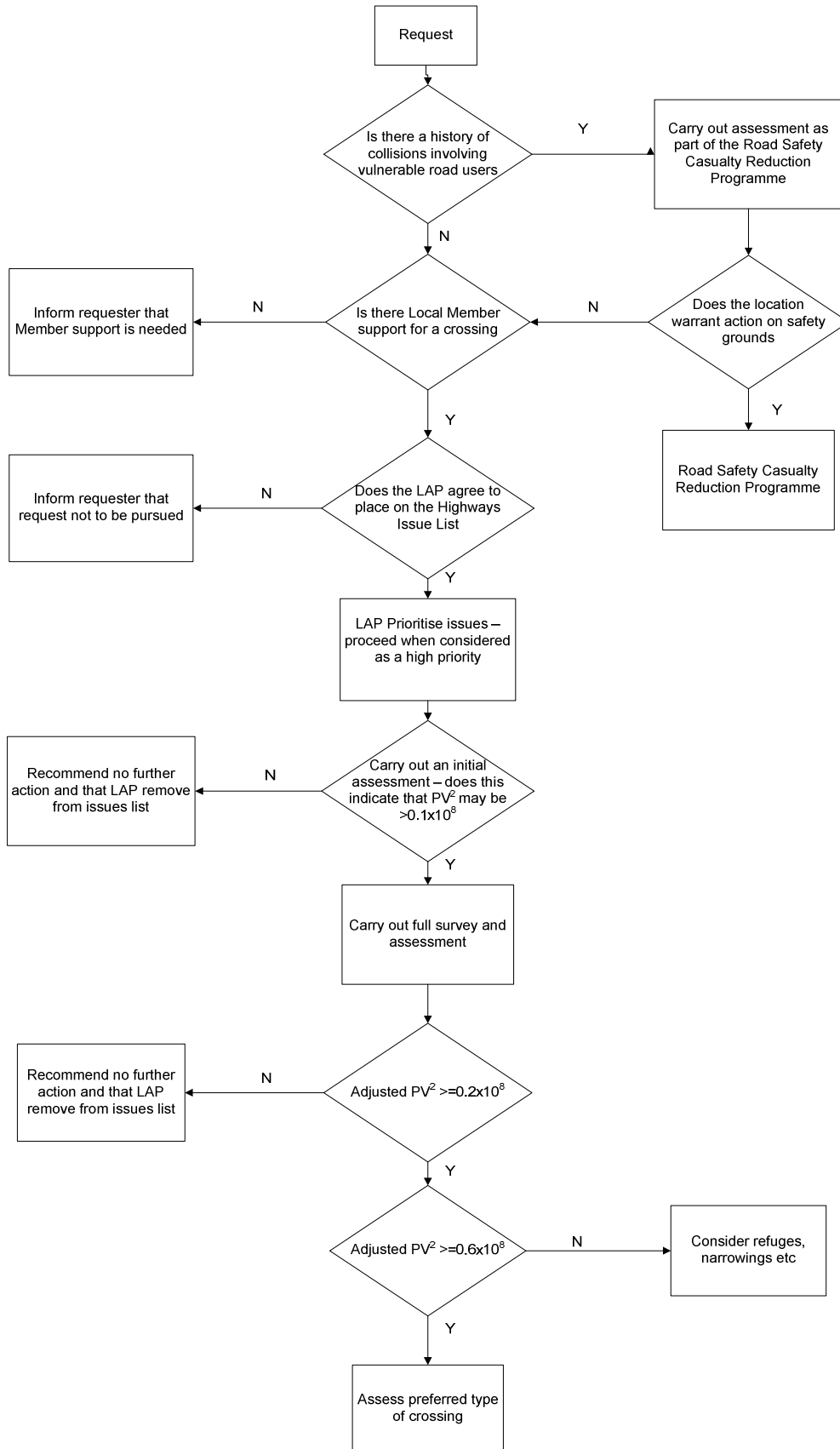
**Detailed Assessment**

Detailed assessments of locations where a pedestrian crossing should be considered will be carried out.

**Final Option Determination**

Following the detailed assessment, an Option Report and recommendation will be produced.

# Pedestrian Crossing Assessment Process



## DETAILED ASSESSMENT PROCEDURE

This uses a numerical measure to assess the degree of conflict between vehicles and pedestrians, with a reduced numerical measure for special circumstances. The degree of conflict is determined by multiplying the number of vehicles per hour (V) squared by the number of pedestrians crossing per hour (P) over a 100m section. The average of the four highest hours is taken to represent what is called  $PV^2$ . The principal of  $PV^2$  is a well known and understood measurement nationally and is a tried and tested principal as a basis for pedestrian facilities provision.

When assessing a request for a crossing then, if the value of  $PV^2$  is less than  $0.2 \times 10^8$ , no formal crossing facilities are normally provided. If the value of  $PV^2$  is above  $0.2 \times 10^8$  then there should be a more in-depth framework assessment carried out, in line with the advice in Local Transport Note 1/95. This criterion is equally applicable to pedestrian facilities as combined pedestrian and cycle facilities.

However to maintain a consistent approach this framework assessment is also to be based upon a  $PV^2$  approach. This is achieved through adjusting the value of  $PV^2$  to take account of the composition of the pedestrian flow, the width to be crossed, the speed limit and 85%ile speed of the road and the difficulty encountered crossing the road in terms of time spent waiting and crossing.

In adopting this approach the proposal not only gives an indication of the need for a crossing but also allows for the inclusion of costs to incorporate a ranking between different types of crossing and between two different sites if funding is not immediately available to undertake all requests for crossing facilities in a given year.

Where an existing location has a high pedestrian accident rate then, if pedestrian facilities are judged to be most effective remedy, these sites would not be subject to  $PV^2$  criteria.

### Other Locations

There are circumstances that an assessment following this process does not fully address the issues of concern such as:

- a) close to a proposed new developments ;
- b) along a proposed Safer Routes to School route; and
- c) along a proposed national cycle network routes.

At all the above situations there may be little existing pedestrian or cycle movements. However, as a result of the proposals significant volumes would result. Yet the application of the modified  $PV^2$  calculation would not imply the provision of a pedestrian facility because the number of new pedestrians and/or cyclists generated by the above three circumstances would not be known.

Therefore, in these circumstances, due consideration should be given to the provision of pedestrian/cycle crossing facilities if the traffic flow for the four busiest hours is above **480** vehicles per hour (two way) or the number of heavy goods

vehicles is 300 vehicles per hour (two way) or above. After carrying out a preliminary survey of the proposed site a decision should be reached on whether a crossing is justified or not based upon experience at previously installed sites, judgement and knowledge of local factors.

## Detailed Assessment

In order to take account of the various different classifications of pedestrians a series of factors are applied to the value of  $PV^2$ , which is still calculated as the average over the highest four hours, as follows:

**EP** Percentage of Elderly pedestrians (EP). If the percentage of elderly pedestrians is less than 10%, a factor of 1 should be used. If more than 10%, then use the following formula

$$\frac{(100+EP)}{110}$$

(Elderly defined in terms of visual appearance and is a judgement of the enumeration staff generally taken as over 60)

**UC** Percentage of unaccompanied children. If there are not more than 10% of unaccompanied children, use 1. If there are more than 10%, use the following formula:

$$\frac{(100+UC)}{110}$$

**PW** Percentage of pedestrians with prams/pushchairs, wheelchairs or blind (white sticks or guide dogs). If not more than 5% use 1. If more than 5% then use the following formula:

$$\frac{(100+PW)}{105}$$

**PB** Percentage of bicycles crossing. If not more than 15%, use 1. If more than 15%, use following formula:

$$\frac{(100+PB)}{115}$$

**RW** Road width. If not more than 7.3m, use 1. If more than 7.3m, use the following formula:

$$7.3 \frac{W}{7.3}$$

**CT** Time to cross (seconds) this reflects the difficulty in crossing in terms of the volume of traffic and complexity of the location (eg presence of junctions or other features). If it takes on average less than 26 seconds cross, use 1. If it takes between 26 and 40 seconds to cross, use 1.2; if it takes between 41 and 60 seconds to cross use 1.4; and if it takes over 60 seconds to cross, use 1.6 (the above crossing times include both waiting time and crossing time).

**VS** Vehicle speeds; if 85<sup>th</sup> percentile speed is less than 30 use a factor of 1

**If between 30 and 35 use 1.1**

**If between 36 and 40 use 1.2**

**If between 41 and 45 use 1.3**

**If between 46 and 50 use 1.4**

**NB** before considering the use of surface crossings on roads with 85<sup>th</sup> percentile speeds greater than 50 mph consider speed reduction measures.

**CS** If proposal is located where a road divides a substantial community or is outside a school, clinic, community centre, home for the elderly or busy shopping centre adjust as follows:

Proposed location is on a road that causes community severance or outside a school or clinic, home for the elderly etc then apply 1.1.

If the proposed site is close to two of the above use a factor of 1.25.

If a proposed site is close to three or more of use a factor of 1.4.

### **Modified Formula for $PV^2$**

**$PV^2$  Adjustment factor (EPxUCxPWxPBxRWxCTxVSxCS)**

If adjusted  $PV^2$  is greater than  $0.6 \times 10^8$  consider either a zebra crossing or a signal controlled crossing

Below 0.6 consideration of other measures should be given such as narrowing carriageway to aid crossing, central refuges, traffic calming.

**EXAMPLE OF PEDESTRIAN CROSSING OPTION REPORT****Location:****Site Assessment Information**

Characteristic	Data and comments at DATE
Location	Class and type of carriageway Width of footways v/ verges
Highway facilities	Road lighting, bus stops etc.
Visibility	Can desirable visibility standards be met? Are further parking restrictions required.
Complexity	Road junctions, other pedestrian crossings, public buildings or facilities, schools.
Road accidents	5 year collision data, collisions involving vulnerable users

The location of highest pedestrians crossing was observed to be:

**Recommended Location:**

The assessment indicated the following in a 12 hour period:

Location <b>Bradfield Road, Crewe - Mablins Lane to Cliffe Road (E369797/N357448)</b>				<b>Factors</b>	
<b>Survey Data</b>				Number of Elderly	14
Traffic Survey Date 6/9/2007				No. of Unaccompanied Children	22
Pedestrian Survey Date 9/10/2007				No. of Prams, Wheelchairs & Blind	2
				No. of Bicycles	118
				Road Width (m)	6.9
				Time to Cross (secs)	26
				85th percentile (mph)	35.6
				<b>Special Factors</b>	
				Severed Community	yes
				Outside School	no
				Outside Clinic	no
				Outside Community Centre	no
				Outside Old Peoples Home	no
				In Busy Shopping Centre	no
				Outside Mobility or Blind Centre	no
				Other	yes
				total	2
				PV <sup>2</sup> =	0.15 x10 <sup>8</sup>
				Adjusted PV <sup>2</sup> =	0.66 x10 <sup>8</sup>
Time	All Vehicles	HGV's	Pedestrians		
7.00 - 8.00	875	29	13		
8.00 - 9.00	1136	47	21		
9.00 - 10.00	889	38	6		
10.00 - 11.00	730	35	6		
11.00 - 12.00	683	39	4		
12.00 - 13.00	761	25	3		
13.00 - 14.00	914	31	3		
14.00 - 15.00	818	42	2		
15.00 - 16.00	940	36	11		
16.00 - 17.00	1184	32	10		
17.00 - 18.00	1306	17	5		
18.00 - 19.00	948	12	5		
total	11184	383	89		
Is the assessment on a dual carriageway				no	



A request was made from a local Borough Councillor together with a 472 name petition received, that due to a historic collision problem involving pedestrians between Cliffe Road and Kestrel Drive on Bradfield Road that a formal signal controlled pedestrian crossing be introduced.

A subsequent pedestrian crossing assessment was carried out in October 2007 in line with local and national guidelines (LTN 1/95). This identified the need for a crossing close to Mabllins Lane to serve the most prominent pedestrian desire line. Further discussions have given consideration to the most appropriate type of crossing for the location.

### Pedestrian Refuge

The assessment carried out at the time indicated that some form of controlled crossing should be considered.

Assuming that direction of vehicle flows are comparable then on average there would be a vehicle every 8 seconds in each direction increasing to 1 every 6 seconds during the peak. The assessment indicated 36 pedestrians attempting to cross in the pm peak .

Where centre refuge islands are provided they can be an absolute minimum of 1200mm in width (LTN 2/95) but to cater for wheelchair users they should be at least 1500mm and preferably 2000mm (DfT Inclusive Mobility)

LTN 2/08 Cycle Infrastructure Design recommends that a minimum gap of 4 metres is provided at refuges unless additional features to significantly reduce motor vehicle speeds are incorporated. This minimum is recommended in order to reduce the instances of cyclists being “squeezed” at a refuge by overtaking vehicles. The assessment recorded 118 bicycles during the 12 hours. Although it is recognised that refuges have been installed at narrower widths, taking in to account the number of vehicles and cyclists using this route the recommended minimum should be provided in this instance.

The width of the installation would thus be 2 No carriageways at 4m plus a refuge at 2m i.e. 10m. The existing carriageway width is 6.9m so this would require a localised widening of 3.1m. Such a widening may be possible on one side only, i.e. utilising the wide verge at the junction with Mabllins Lane. This would also have the effect of moving traffic nearer to the frontage properties and make the Council liable to Part 1 Claims under the Land compensation Act 1973.

All locations considered were affected by domestic drive accesses. The least affected is just to the west of Mabllins Lane. However, the installation of a refuge at this location would severely restrict access to and from the adjacent filling station especially by large vehicles. A refuge would prevent petrol tankers from turning left out of the station forecourt.

**Conclusion – A refuge would have an operational effect on the petrol filling station, severely restricting servicing arrangement and would be resisted by the proprietors. A carriageway widening of up to 3.1m would be required which could only be accommodated on the east bound side on the approach to**

**Mablins Lane junction, this may result in conflict with vehicles at the give way line as well as creating a sharp change in direction. The Council will also be liable to pay compensation.**

### Zebra Crossing

Zebra crossings should not be installed on roads with an 85 percentile speed of 35 mph. or above (LTN 1/95). Assessment indicates an 85<sup>th</sup> percentile of 35.6mph.

Where a crossing is thought necessary but crossing flows are relatively low and traffic flows are no more than moderate, then a Zebra crossing may be suitable (LTN 1/95) Vehicle delays are typically five seconds for a single able person crossing but can be much more where irregular streams of people cross over extended periods, in this case there area around 36 persons in the peak hour that could cross individually.

The capacity of a variable standard urban road with frontage access, pedestrian crossings and loading and unloading is generally in the range of 1500 to 1850 vehicles per hour (Highways agency Traffic Advisory Note 79/99). Bradfield Road has a recorded flow of 1306 during the pm peak and as such the route can be considered to have high traffic flows.

**Conclusion – as the route is highly trafficked and the speed of vehicles higher than 35mph then a zebra crossing would be inappropriate for this location due to safety considerations.**

### Puffin Crossing

LTN 1/95 indicates that signal-controlled crossings such as Puffins are used where:

- vehicle speeds are high, and other options are thought unsuitable;
- there is normally a greater than average proportion of elderly or disabled pedestrians;
- vehicle flows are high and pedestrians have difficulty in asserting precedence;
- pedestrian flows are high and delays to vehicular traffic would otherwise be excessive.

This location meets several, of these requirements in that speeds are high, other options considered unsuitable, 14% of pedestrians crossing are considered to be elderly or disabled and vehicle flows are high.

A puffin crossing has the ability to cancel any calls should the pedestrian cross prematurely or walk away. It can also be adjusted to increase the waiting time for pedestrians and thus limiting the number of pedestrian phases during peak times.

Other pedestrian facilities installed on the B5076 corridor at North Street and Remer Street are puffin crossings; refuges nor zebra crossings have been installed and as such a puffin crossing would provide uniformity for those using the route.

**Conclusion – a puffin crossing would be appropriate in this location.**

Toucan Crossing

The crossing does not form part of a cycle route. A Toucan would not be appropriate.

**Recommendation**

**The most appropriate pedestrian crossing facility would be a Puffin Crossing located to the west of Mablins Lane junction.**

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# **CHESHIRE EAST COUNCIL**

## **REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE**

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**Date of Meeting:**

**Report of:** Head of Regeneration

**Subject/Title:** Repairs to Private Streets Policy

**Portfolio Holder:** Councillor Menlove

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### **1.0 Report Summary**

- 1.1 That the Committee members provide comments on the reaffirmation of the inherited policy for the Repair to Private Streets (Appendix A).
- 1.2 Each year the Council receives requests to repair un-adopted roads. However the Council's responsibility in respect of these un-adopted roads differs to those for highways that are "maintainable at the public expense". The purpose of this report is to set out the issues surrounding repairs to un-adopted roads, to propose a policy for the Council and provide guidance on how to deal with requests to repair.

### **2.0 Recommendations**

- 2.1 **Members of the Committee are asked to provide comment on proposed Repair to Private Streets Policy prior to the Policy being submitted to the Environmental Services Portfolio Holder for formal approval.**

### **3.0 Reasons for Recommendations**

- 3.1 The Policy will set out the Council's consistent approach in dealing with requests from owners or frontagers to carry out repairs to private streets to obviate danger to traffic and or pedestrians.
- 3.2 It is practical for the Council to have a policy for urgent repairs to private streets with accompanying guidance. Whilst the guidance is in part subjective it does give the Council some degree of flexibility and discretion. This will enable the Council to consider unusual situations with a degree of pragmatism particularly where use by the more vulnerable sections of the community are concerned as well as affordability issues.

### **4.0 Wards Affected**

- 4.1 This report affects all wards equally.

## **5.0 Local Ward Members**

- 5.1 This report affects all ward members equally.

## **6.0 Policy Implications including - Climate change - Health**

- 6.1 There are no human resources implications of the recommended option.
- 6.2 The policy is intended to ensure that highway officers act in a fair and consistent way.

## **7.0 Financial Implications (Authorised by the Borough Treasurer)**

- 7.1 The Strategic Director confirms that the costs of implementing this policy will be met from existing budgets.
- 7.2 The Council proposes to cap the expenditure for urgent repairs to £500 in any one street in any one year. This would equate to a maintenance crew for a full day to carryout repairs, e.g. pothole filling.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 Section 41 of the Highway Act 1980 imposes a duty on the Highway Authority to maintain highways which are maintainable at the public expense. The duty requires the highway authority to maintain the highway in a fit state to accommodate the ordinary traffic which passes or maybe expected to pass along it.
- 8.2 The duty is owed to all users, whether using vehicles or on foot, of the highway whether pedestrians or vehicle users. Section 130 of the Highways Act 1980 imposes a further duty on the highway authority to assert and protect the rights of the public to the use and enjoyment of the highway.
- 8.3 Under Section 230 of the 1980 Act, "where repairs are needed to obviate danger to traffic in a private street" the Highway Authority can step in and may, by notice, require the owners of the premises fronting the street to execute, within a time limit, such repairs as may be specified. In the event of failure to execute such works, the Authority can carry out the repairs and recover the costs from the frontagers. A person who is aggrieved by a notice to carry out repairs can appeal to a Magistrates Court.

## **9.0 Risk Management**

- 9.1 Although the Authority would not be liable for any compensation claims as a result of the poor state of repair of the private street, it does have a duty of care for those using the highway. The Highway Authority will use the powers

within Section 230 of the Act to mitigate any risks associated with poorly maintained private streets.

- 9.2 It is practical for the Council to have a policy for urgent repairs to private streets with accompanying guidance. Whilst the guidance is in part subjective it does give the Council some degree of flexibility and discretion. This will enable the Council to consider unusual situations with a degree of pragmatism particularly where use by the more vulnerable sections of the community are concerned as well as affordability issues.

## 10.0 Background

- 10.1 Un-adopted roads are more generally known as private streets and a definition is set out in the Highways Act 1980 section 203(2)....”means a street that is not a highway maintainable at the public expense....”

The liability to repair highways exists at three levels:

- Repairable by no one.
- Repairable by a person or body under statute, prescription, tenure or inclosure.
- Repairable at the public expense.

- 10.2 A private street may be owned by a person or an organisation but in practice ownership is found not to be recorded and difficult if not impossible to trace. Without any information to the contrary there is a legal presumption in law that the owners of land fronting a highway are presumed to own the sub-soil of the highway, street in this case, up to the centre line of the road. This is known as the “*usque ad medium filum viae principal*”. This presumption may be rebutted by evidence of ownership of the sub-soil.
- 10.3 The owners or frontagers to a private street are not under any obligation to maintain the street unless an obligation has been conferred by virtue of that set out in the second bullet point above. However the owners or frontagers may, under certain circumstances, have some liability for damage or injury caused to users of the street.
- 10.4 The Highways Act 1980 Part XI sets out that whenever a Highway Authority carries out works in a private street the frontagers shall normally be responsible for meeting the costs of repair or improvement.
- 10.5 There are some streets that are in private ownership and are generally known as private roads. For a road to remain private the owner(s) must have prevented general access for at least one day every year and made a declaration by advertisement, sign or by lodging a document with the highway authority stating that the road will be closed to the public at a particular time each year.
- 10.6 Where this has occurred no highway rights will have been established over the road/street in question. The owners of the private road are responsible for its repair and upkeep and the Council would have no responsibility or powers to carry out repairs.

## Legal Framework

- 10.7 Cheshire East Council is the Highway Authority for all highways in Cheshire East, whether or not maintainable at the public expense, except for those highways for which the minister is the Highway Authority (these are trunk roads and motorways). It is also the Street Works Authority for all the private streets in the Borough.

### Highways Act 1980

- 10.8 Section 130(1) of the Highways Act 1980 sets out that:

*“It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority....”*

Furthermore, Section 1(2) of the Highways Act 1980 states that:

*“Outside Greater London the council of a county are the highway authority for all highways in the county, whether or not maintainable at the public ex pense...”*

- 10.9 Where highway rights have been established over a private street, unrestricted use by the public, exceeding 20 years, and the street is in such a condition that it could present a danger to users then their “rights” and “enjoyment” to use it could be considered to be impaired. At this point the Highway Authority would usually discharge its duty to “*assert and protect the rights of the public*” by using its powers to remove obstructions.
- 10.10 However the Highways Act Section 230(1) provides a way of dealing with urgent repairs to a private street. This section states that:

*“Where repairs are needed to obviate danger to traffic in a private street the street works authority may by notice require the owners of the premises fronting the street to execute.....such repairs as may be so specified.”*

- 10.11 If the frontagers fail to carry out the specified repairs within the timescale set out in the notice, then Section 230(4) enables the authority to execute the repairs and recover its expenses from the frontagers. Given these powers, it is therefore clearly in the interests of the owners of properties that front a private street to keep it in a reasonable condition.

- 10.12 Section 230(7) of the Highways Act states that:

*“....the street works authority.....may in any street that is not a highway maintainable at the public expense, execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street.”*



- 10.13 This is a power the Council may use to carry out repairs to remove a hazard or danger without charging the frontagers. It should be noted that this is a power and not a duty. There is no obligation on the street works authority, the Council, to undertake any repairs in a private street. The power should only be used as an exception. This is because the risk of carrying out repairs in a private street by the Council may be misunderstood and used as evidence that the street is a highway maintainable at the public expense.
- 10.14 In summary section 230 of the Act gives the Council the option to either fund any repairs they may wish to carry out in a private street or, alternatively, require the frontagers to undertake and/or pay for the repairs.

### **Previous Highway Authority Policy**

- 10.17 The policy for repairs to private streets was reaffirmed by the former County Council's Environment Executive Member on 4 June 2003. The reaffirmation contained guidance for highway's managers in dealing with requests for repairs to private streets. The reaffirmed policy was that any repair in a private street should be limited to a *maximum* of £1,000 in any one year, irrespective of the length of the street. At an operational level, £1000 had been sufficient to deal with instances where repairs had been required to rectify urgent dangerous defects on private streets.
- 10.18 The scope of repairs carried out under the policy were limited to those which were genuinely required to "*prevent or remove danger*", e.g. filling in deep potholes. There was no intention to carry out repairs that would solve any underlying structural weaknesses in the road construction.

### **11.0 Access to Information**

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

Name: Gary Mallin  
Designation: Highway Asset and Traffic Manager  
Tel No: 01270 686342  
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**Repair to Private Streets Policy**

It is proposed that Cheshire East Council should have a policy for dealing with urgent repairs to private streets where expenditure is limited to £500 in any one street in any one year and that the budget for repairs to private streets be limited to £5,000 per annum where overall budgets allow this. The budget shall be managed by the Highway Manager.

Proposed guidance for the Highway Manager for dealing with repairs to private streets is set out in Appendix B to this report.

## Procedure Guidelines

The procedure guidelines laid out below detail the practice required to effectively implement the policy for undertaking repairs to private streets. It may be necessary to revise this procedure over time to ensure the most effective and efficient delivery of the policy.

### Requests for Repairs to Private Streets – Procedure

This procedure should be read in conjunction with the policy for Repairs to Private Streets.

- 1 Any request to undertake repairs in a private street will only be considered if it is received in writing from:
  - (i) One or more residents.
  - (ii) A Parish or District Council.
  - (iii) A Borough Councillor
  - (iv) A Member of Parliament.

Alternatively, Officers may make their own recommendations.

- 2 On receipt of such a request, the site should be inspected and a decision taken as to whether the condition of the road is such that it presents an immediate danger to users. In doing so, the normal 'Category 1' intervention levels should not be used as a guide as to whether the road does present a hazard to drivers or pedestrians. Rather, Officers will be expected to use their judgement and experience to:
  - (i) Identify the defects that could, in their opinion, present a danger to users.
  - (ii) Decide whether the defects are of such a nature that they require urgent attention.
  - (iii) Determine what works would be practical and sensible to do given the scale of the problem and the available budget.

Clearly, this is rather a subjective approach and the application of such a procedure may lead to some inconsistencies arising. However, the purpose of this advice note is not to provide a set of prescriptive standards, but rather to present a set of guidelines and procedures for Officers to work within. Indeed, in some respects, it would be advantageous to retain some degree of flexibility and discretion as this will enable Officers to react to an unusual situation with a degree of pragmatism. For instance, it would be sensible to take a more reasonable and understanding stance if a public footpath runs coincidentally along the length of the private street or if the route were regularly used by the elderly or infirm.

- 3 If it is clear that some repairs are needed, the next stage should be to decide whether, in the opinion of the Officer, the frontagers should be asked to undertake them rather than the Borough Council.

If necessary, further advice and guidance should be sought from the Highways Manager.

- 4 Once this decision has been taken, the Officer involved will be required to submit a short written report detailing:
- (i) The circumstances behind the request.
  - (ii) A description of the site.
  - (iii) The defects that have been identified.
  - (iv) The works that will be required to obviate the danger and their approximate cost.
  - (v) A recommendation as to whether:
    - (a) The defects are such that they require immediate action.
    - (b) The frontagers or the Borough Council should fund the works.

Any relevant photographs should also be included. The report should be forwarded to the Highways Manager.

- 5 The Highways Manager shall then decide whether there is sufficient justification for the Borough Council to undertake and pay for the works. This is subject to funding being available from the Private Street Works budget. Their decision will be confirmed in writing to the Officer. Alternatively, if he/she believes that the frontagers should fund the works, then the relevant Legal Department will be asked to prepare the necessary notices under S230(1).

Note: If a Street Works Authority do issue a notice under Section 230(1), the residents can issue a counter-notice requiring the Authority to invoke their powers under the Private Street Works Act and bring the road up to an adoptable standard. Given the legal problems that such a counter-notice may cause, advice should always be sought from Legal Services before any such notice is issued. If it is clear that the Borough Council has no intention of adopting the street in question, then Officers will carry out the repairs under Section 230(7) and inform the frontagers of the actions the authority is undertaking.

- 6 If the decision is taken to undertake the works at the Borough Council's expense, then before any works are undertaken, a letter must be sent to each and every affected frontager on the street to remind them that:
- (i) The Borough Council has no duty to repair the road.
  - (ii) By carrying out the works, the Authority is not, in any way, admitting any maintenance liability.

- (iii) The works will be limited to those which are urgently required to prevent or remove danger to persons or vehicles in the street.

To assist in this matter, attached is a pro-forma letter for Officers to use when responding to a request from the frontagers of a private street to undertake repairs in that street. The letter is attached at the rear of this appendix.

### **Private Street Works Budget and Allocation Code**

All costs incurred in carrying out works in private streets must be booked to the relevant private street works budget. However, any order must first be approved by the Highways Manager.

The private street works budget is limited and once this fund has been exhausted, no further works will be sanctioned. In these cases, all requests will have to be held over until the following financial year.

### **Register of Repairs**

If not already in existence, each Highway Maintenance Team will be expected to create and maintain a register/file which will detail all works that have been carried out on the network of private streets in the Borough. The register should include the following items:

- (a) Street name and location.
- (b) Nature of works undertaken and exact location in the street.
- (c) Cost of the works.
- (d) Date that works were carried out.

Records of all correspondence and any other relevant material (ie photographs, reports etc) should also be held on this file.

## Repairs To Private Streets

### Pro-Forma Letter To Frontagers

Dear Sir/Madam,

#### **HIGHWAYS ACT 1980 – SECTION 230(7) REPAIRS TO PRIVATE STREET KNOWN AS *(INSERT STREET NAME)***

You may be aware that the Borough Council has recently received a request to undertake repairs on *(Insert street name)*.

According to our records *(insert street name)* is an unadopted road and therefore the Borough Council, as the Street Works Authority, is not responsible for either maintaining it or undertaking any repairs that might be needed.

However, Section 230(1) of the Highways Act 1980 states that;

*“Where repairs are needed to obviate danger to traffic in a private street the Street Works Authority may by notice require the owners of the premises fronting the street to execute, within such time that may be specified in the notice, such repairs as may so be specified.”*

Furthermore, under Section 230 (4) of the Highways Act 1980, should the frontagers fail to carry out the works in the specified period, the Borough Council has the power to carry out works and recover the costs of doing so from the frontagers. Therefore, it is clearly in the interests of you and your fellow residents, as the frontagers of the private street known as *(insert street name)*, to keep it in a reasonable state of repair.

However, Section 230(7) of the Highways Act 1980 and the Borough Council's own policy in respect of repairs to private streets, does give the Authority a discretionary power to carry out works on Private Streets at the Borough Council's own expense. The costs of any works undertaken on a private street are limited to a value of £500 per street per annum.

I must emphasise that this resolution gives us the *power* to carry out repairs on private streets rather than a *duty*. We are therefore under no obligation to carry out any works if we believe they are not warranted. In addition, the type and nature of works we can undertake will be limited to those required to obviate danger to users.

In this instance, we have decided to use our discretionary powers and undertake repairs to *(insert street name)* at our own costs. However, these repairs will be done on the understanding that:

- i) Any works we do carry out will only be minor in nature (eg filling of potholes) and shall be restricted to those that are required to remedy significant defects which could present immediate danger to users. They will not solve any underlying structural weaknesses in the road construction and, as such, it is likely that such works would only provide a short-term solution to this problem.

- ii) By undertaking the works, the Borough Council is not admitting any past, present or future liability for maintaining (*insert street name*).

In addition, it might also be worth noting that, should the Borough Council receive a subsequent request from either yourself or any other frontagers of (*insert street name*) to carry out further repairs, Officers may well recommend that we use our powers under Section 230(1) and require you, the frontagers, to undertake the works yourselves.

I trust that this letter clearly sets out our position with regard to this matter. However, should you wish to discuss any aspect in further detail, please do not hesitate to contact (*insert contact name and telephone number*).

You should keep a copy of this letter so that you can produce it to any subsequent purchaser of your property.

Yours faithfully

(Insert name)

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE**

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<b>Date of Meeting:</b>	13 September 2011
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	Work Programme update

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#### **1.0 Report Summary**

- 1.1 To review items in the 2011 Work Programme, to consider the efficacy of existing items listed in the schedule attached, together with any other items suggested by Committee Members.

#### **2.0 Recommendations**

- 2.1 That the work programme be received and noted.

#### **3.0 Reasons for Recommendations**

- 3.1 It is good practice to agree and review the Work Programme to enable effective management of the Committee's business.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 Not applicable.

#### **6.0 Policy Implications including**

- 6.1 Not known at this stage.

#### **7.0 Financial Implications for Transition Costs**

- 7.1 None identified at the moment.

#### **8.0 Legal Implications**

- 8.1 None.

#### **9.0 Risk Management**

- 9.1 There are no identifiable risks.

## **10.0 Background and Options**

- 10.1 In reviewing the work programme, Members must pay close attention to the Corporate Plan and Sustainable Communities Strategy.
- 10.2 The schedule attached, has been updated in line with the Committees recommendations on 5 July 2011. Following this meeting the document will be updated so that all the appropriate targets will be included within the schedule.
- 10.3 In reviewing the work programme, Members must have regard to the general criteria which should be applied to all potential items, including Task and Finish reviews, when considering whether any Scrutiny activity is appropriate. Matters should be assessed against the following criteria:
- Does the issue fall within a corporate priority
  - Is the issue of key interest to the public
  - Does the matter relate to a poor or declining performing service for which there is no obvious explanation
  - Is there a pattern of budgetary overspends
  - Is it a matter raised by external audit management letters and or audit reports?
  - Is there a high level of dissatisfaction with the service
- 10.4 If during the assessment process any of the following emerge, then the topic should be rejected:
- The topic is already being addressed elsewhere
  - The matter is subjudice
  - Scrutiny cannot add value or is unlikely to be able to conclude an investigation within the specified timescale

## **11.0 Access to Information**

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

Name: James Morley  
Designation: Scrutiny Officer  
Tel No: 01270 686465  
Email: james.morley@cheshireeast.gov.uk

## Environment and Prosperity Scrutiny Committee Work Programme – September 2011

Issue	Description /Comments	Officer	Suggested by	Portfolio	Corporate Priority	Current Position	Date
Highways Policies Briefing	To receive a briefing on the Highways Policies coming under review in September	Gary Mallin		Environmental Services	Ensure a sustainable future	On Target	13 September
Waste Needs Assessment Report	To receive a presentation on the Waste Needs Assessment conducted by Urban Mines on behalf on Cheshire East and Cheshire West & Chester	Jamie Longmire	Jamie Longmire	Environmental Services	Ensure a sustainable future	On Target	13 September
Sustainable Towns update	To receive a report on the Sustainable Towns programme and progress on major projects in Congleton, Wilmslow and Nantwich town centres.	Caroline Simpson	Committee	Prosperity	Unlock the potential of our towns	On Target	13 September
Update on Macclesfield Economic Master Plan	To receive an update on the proposals	Caroline Simpson	Committee	Prosperity	Unlock the potential of our towns	On Target	13 September
Licensing of Alfresco Facilities	To discuss current arrangements for licensing of Alfresco facilities in Cheshire East	Gary Mallin	Chairman	Environmental Services	Unlock the potential of our towns	On Target	13 September
Development Management Transformatio	The basic platform is now in place, however the data still needs to be		Chairmen's Group/ Committee	Safer Stronger Communities/ Performance	Ensure a sustainable future	Deferred	13 September

## Environment and Prosperity Scrutiny Committee Work Programme – September 2011

n Project and Member Group	transferred, which should be completed by March. The Committee have requested assurance that the systems are now in place.			and Capacity			
Renewable Energy	To consider the potential for the development of renewable energy in Cheshire East by 2030 to help deliver the Council's targets for carbon reduction.		Chairman	Safer Stronger Communities	Ensure a sustainable future	Deferred from 5 July 2011	25 October
Localism Bill and Policy Implications	To receive a briefing on the parts of the Localism Bill which fall within the remit of the Committee		A Fisher/C Simpson	Prosperity/Safer Stronger Communities / Performance and Capacity	Ensure a sustainable future	On target	25 October
Gypsy and Traveller Provision for Cheshire Sub-region	To give consideration to the policies and processes relating to the approach to the Gypsy and Traveller Communities.		Macrae	Prosperity/Safer Stronger Communities	Nurture strong communities	On target	25 October
LDF Task Group Update	To receive an update		Macrae	Prosperity	Ensure a sustainable future	On target	25 October
Local Sustainable Transport Fund	To give consideration to the implications if the Local Sustainable Transport Fund bid is accepted		Macrae	Prosperity	Ensure a sustainable future	Deferred from 5 July 2011	Tbc (until bid confirmed)
Community Transport	To consider recommending a policy		Committee	Environment	Ensure a sustainable future	Task and Finish Group	TBA

## **Environment and Prosperity Scrutiny Committee Work Programme – September 2011**

	on Community Transport					to be appointed	
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### **Possible Items to Monitor or consider at future Meetings**

Performance Management – Cllr Brown  
 Waste Needs Assessment/Recycling (informing LDF process) – Cllr Menlove (revisit July 2012 when yearly figures available)  
 Street lighting trial – Cllr Menlove  
 Pre-Planning Application Service – Cllr Bailey  
 Planning Enforcement – Cllr Bailey  
 Building Control/Operational Management – Cllr Bailey  
 Anaerobic Digesters – Cllr Menlove  
 Silver Bin Recycling – Cllr Menlove  
 Glass Bring Banks – Cllr Menlove  
 Lifestyle Centres – Cllr Menlove

Planning Tour of completed planning developments – September 2011  
 Annual site visit to examples of good and/or bad planning

### **Dates of Future Environment and Prosperity Scrutiny Committee Meetings**

, 25 October 2011, 22 November 2011, 20 December 2011, 24 January 2012, 21 February 2012, 20 March 2012 and 24 April.

### **Dates of Future Cabinet Meetings**

3 October 2011, 31 October 2011, 28 November 2011, 5 December 2011, 9 January 2012, 6 February 2012, 5 March 2012, 2 April 2012 and 30 April 2012.

### **Dates of Future Council Meetings**

13 October 2011, 15 December 2011, 23 February 2012, 19 April 2012 and 16 May 2012.

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## **FORWARD PLAN 1 SEPTEMBER 2011 - 31 DECEMBER 2011**

This Plan sets out the key decisions which the Executive expect to take over the next four months. The Plan is rolled forward every month. It will next be published in mid September and will then contain all key decisions expected to be taken between 1 October and 31 January 2012. Key decisions are defined in the Councils Constitution.

Reports relevant to key decisions, and any listed background documents may be viewed at any of the Councils Offices/Information Centres 6 days before the decision is to be made. Copies of, or extracts from these documents may be obtained on the payment of a reasonable fee from the following address:-

Democratic Services Team  
Cheshire East Council ,  
c/o Westfields, Middlewich Road, Sandbach Cheshire CW11 1HZ  
Telephone: 01270 686463

However, it is not possible to make available for viewing or to supply copies of reports or documents, the publication of which is restricted due to confidentiality of the information contained.

A decision notice for each key decision is published within 6 days of it having been made. This is open for public inspection on the Council's Website, Council Information Centres and Council Offices.

The law and the Council's Constitution provides for urgent key decisions to be made. A decision notice will be published for these in exactly the same way.

Forward Plan 1 September 2011 to 31 December 2011

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	Relevant Scrutiny Committee	How to make representation to the decision made
CE11/12-3 Cheshire and Warrington Local Investment Plan 2	To approve the draft Local Investment Plan 2 for Cheshire and Warrington prior to its submission to the Cheshire and Warrington Leaders Board.	Cabinet	5 Sep 2011	With regional partners (formally known as housing associations) by presentations and circulation to interested parties.	Environment and Prosperity 5 July 2011	John Nicholson, Strategic Director (Places and Organisational Capacity)
CE10/11-89 Cheshire East Housing Strategy	To adopt the Local Housing Strategy, a key document which articulates the housing vision for Cheshire East, setting out the housing priorities and way in which they will be delivered.	Cabinet	3 Oct 2011	With stakeholders, partners, general public during the development of the Strategy; the Draft Strategy will also be consulted upon.	Prosperity	John Nicholson, Strategic Director (Places and Organisational Capacity)
CE11/12-15 Wilmslow Town Centre	To authorise Officers to progress the emerging opportunity to enhance and improve retail, leisure, and other public facilities in Wilmslow.	Cabinet	3 Oct 2011	With Wilmslow Town Council and Wilmslow High School.	Environment and Prosperity	Caroline Simpson, Head of Regeneration



<b>Key Decision</b>	<b>Decisions to be Taken</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Relevant Scrutiny Committee</b>	<b>How to make representation to the decision made</b>
CE11/12-16 Congleton Town Centre - Bridestones Extension Scheme	To give authorisation to proceed on with the scheme, to move the project into the delivery phase and to commence work on the site.	Cabinet	31 Oct 2011		Environment and Prosperity	John Nicholson, Strategic Director (Places and Organisational Capacity)

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## Directorate Level Planning 2011-12

**Directorate:** Places (DPLA)

### 1.1 Director's Overview

The Places Directorate is responsible for the delivery of a wide range of varied services including Environmental Services, Safer and Stronger Communities, Regeneration, and Planning & Housing, which have coherence in a shared purpose, which is to:

"Create and maintain a quality environment to promote prosperity and wellbeing".

The Council's vision is 'To work together to improve community life'. The Places Directorate is a set of services committed to making their distinctive contribution, collectively and individually, to fulfilling that Vision.

### 1.2 Directorate Objectives (NB: Maximum of six)

Directorate Objective Reference	Directorate Objective Description	Link to Corporate Objective
DPLA001	Develop and promote new ways of working that better enables Cheshire East businesses, communities and individuals to participate in the local place shaping agenda and the delivery of services at a local level.	CP-01 To give the people of Cheshire East more choice and control about services and resources
DPLA002	To take the lead in developing a growing, prosperous, distinctive, safer and accessible Cheshire East, supported by a range of appropriate strategies and plans	CP-02 To grow and develop a sustainable Cheshire East
DPLA003	To support the health agenda in Cheshire East through the Housing Strategy and public health functions of Places Directorate	CP-03 To improve life opportunities and health for everybody in Cheshire East
DPLA004	To create a greener, cleaner environment for Cheshire East residents, businesses and visitors.	CP-04 To enhance the Cheshire East environment
DPLA005	Carbon Reduction - To lead and actively support the initiatives detailed by Cheshire East's Carbon Management Plan, in order to reduce the local authority's carbon emissions by at least 25% by 2016	CP-04 To enhance the Cheshire East environment
DPLA006	Customer Service - To provide high quality services that meet the varied needs of Cheshire East's customers, whilst also achieving high levels of customer satisfaction	CP-05 Being an excellent Council and working with others - to deliver for Cheshire East
DPLA007	Workforce Development – To develop transferable skills and capabilities of the workforce in order to support the developing Places Directorate during the plan period from 2011 to 2013	CP-05 Being an excellent Council and working with others - to deliver for Cheshire East

## Service Planning 2011-12

**Service:** Environment (SENV)

### 2.1 Service Overview

Environmental Services makes a significant contribution to the well being of our communities through the achievement of high local environmental quality, a safe highway network, and sustainable practices.

### 2.2 Service Objectives (NB: Maximum of 10)

Service Objective Reference	Service Objective Description	Link to Directorate Objective
SENV001	To support and progress the Localism Agenda through the devolution and transfer of services by 2014	DPLA001
SENV002	Develop, review, update and implement all operational waste related policies and strategies in Cheshire East by December 2013	DPLA004
SENV003	To support the implementation of the new Cheshire East Highways Term Contract and deliver £1m revenue saving by October 2011	DPLA002
SENV004	To divert residual household waste from landfill through waste treatment by March 2014	DPLA004
SENV005	To provide waste transfer capacity in the north of Cheshire East for dry recyclate to support the roll-out of new waste services by October 2011 and increase recycling levels	DPLA004
SENV006	To extend or procure appropriate waste processing contracts for Cheshire East by March 2014	DPLA004
SENV007	To improve health and safety performance by completing an audit and developing an action plan for Environmental Services by March 2012	DPLA004
SENV008	To reduce carbon emissions and improve accessibility and efficiency by fully optimising Cheshire East's fleet management arrangements by March 2014.	DPLA005
SENV009	To ensure the Council reduces its CO2 by 4.6% by March 2012 and by at least 25% over 5 years, via implementation of the Carbon Management Plan actions for streetlighting and fleet emissions	DPLA005
SENV010	Optimise and implement new recycling and waste collection rounds across Cheshire East in order to achieve improved customer service, accessibility, health and safety, lower carbon emissions and reduced costs	DPLA004
SENV011	As part of our investment in people (IIP) to encourage and support the development of transferable skills and capabilities of Environmental Services workforce in order to equip them for the ever changing workplace by March 2014.	DPLA007

## Service Planning 2011-12

**Service:** Planning & Housing (SPLA)

### 2.1 Service Overview

The fundamental aim of the Planning and Housing service is to provide the sustained and coordinated improvement of the living environment of Cheshire East. Above all else we want Cheshire East to be a better place to live. This Service Plan has a three year timescale – but sits amidst a much longer time horizon. Changes in towns and villages can only be secured by concerted action over many years; consequently the Plan focuses on what we can do now that will contribute to change many decades hence.

The Council's statutory Development Plan – the Local Development Framework – and in particular its Core Strategy will guide and shape the way the Borough will develop and grow in future years. Its completion and adoption is a key priority and is led by the Spatial Planning team.

The Council's housing functions play a critical role in ensuring that everyone has access to a home that is decent and affordable. As well as influencing the long term housing stock we also provide short term assistance to vulnerable individuals and households.

The Development Management team ensure that the strategic policies of the development plan are translated into reality via the management of new building through the planning application process.

The Building Control team has a key role in maintaining public safety and in reducing carbon emissions. Each year the team deals with around 3000 applications and carries out over 2000 inspections. Collectively these teams work together with colleagues in the Places directorate and across the Council to make Cheshire East a better place to live.

Collectively these teams work together with colleagues in the Places directorate and across the Council to make Cheshire East a better place to live.

### 2.2 Service Objectives (NB: Maximum of 10)

Service Objective Reference	Service Objective Description	Link to Directorate Objective
SPLA001	TACKLING THE CAUSES OF CLIMATE CHANGE AND MITIGATING ITS IMPACTS UP TO 2030 & BEYOND, SO THAT QUALITY OF LIFE DOES NOT DECLINE	DPLA005
SPLA002	PROVIDING ENOUGH HOUSING OF THE RIGHT KIND AND IN THE RIGHT PLACE SO THAT EVERYBODY CAN LIVE IN A DECENT & ACCESSIBLE HOME BY 2030	DPLA002
SPLA003	PROVIDING SUFFICIENT DEVELOPMENT OPPORTUNITIES TO ENABLE GROWTH IN BUSINESS, COMMERCE & TOWN CENTRES BY 2030	DPLA002
SPLA004	EMPLOYING HOUSING, BUILDING & PLANNING POWERS TO ENSURE THAT BY 2030 THE BUILT & NATURAL ENVIRONMENT PROVIDES A POSITIVE BENEFIT FOR HEALTH & WELL BEING	DPLA003
SPLA005	CREATING DISTINCTIVE & SUSTAINABLE TOWNS, VILLAGES & NEIGHBOURHOODS THAT IMPROVE THE QUALITY OF LIFE BY 2030	DPLA002
SPLA006	INCREASING HOUSING RELATED SUPPORT BY 20% TO VULNERABLE RESIDENTS TO ENABLE THEM TO LIVE INDEPENDENTLY BY 2015	DPLA003
SPLA007	BETTER, EFFICIENT, INCLUSIVE SERVICE BY THE END OF 2012	DPLA006

## Service Planning 2011-12

**Service:** Regeneration (SREG)

### 2.1 Service Overview

The Regeneration Service creates the conditions for growth, promotes wealth generation and develops strong communities. We will bring private and public sector investment to create jobs, support our town centres and improve our highway and transport networks. We also play a leading role in developing and shaping future Cheshire East policies in relation to economic growth, strategic transport, visitor economy, place-shaping and building sustainable communities.

### 2.2 Service Objectives (NB: Maximum of 10)

Service Objective Reference	Service Objective Description	Link to Directorate Objective
SREG001	Increase the economic output of Cheshire East via delivery of the business engagement framework, place marketing plan	DPLA001
SREG002	Lead delivery of the spatial priorities for Economic Development including Crewe, Macclesfield & Sustainable Towns in line with agreed programme plans by 2012	DPLA002
SREG003	To deliver the Total Transport transformation project, releasing 15% savings in carbon and cost by 2015	DPLA002
SREG004	To establish the new Highways Contract by 6th October 2011 and deliver against agreed performance by end March 2011	DPLA002
SREG005	To deliver the Tatton Vision Business Plan to enable Tatton to be self supporting by 2015	DPLA003
SREG006	By working in partnership, increase the economic output of Cheshire East's visitor economy by 2.8% per year through to 2015	DPLA002
SREG007	Support the development of CE's Strategic Infrastructure plan by identifying and quantifying opportunities and solutions by Summer 2012	DPLA002
SREG008	Support Council-wide transport policy changes to meet corporate objectives and deliver agreed efficiencies by March 2013	DPLA002
SREG009	To ensure the Council reduces its CO2 by 4.6% by March 2012 and by at least 25% over 5 years, via implementation of the Carbon Management Plan. Deliver 10% carbon reduction within Regeneration Service by March 2012	DPLA005