

# **Cabinet Members for Environmental Services and Procurement, Assets & Shared Services**

## **Agenda**

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<b>Date:</b>	<b>Monday, 21st March, 2011</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Committee Suite 1 &amp; 2, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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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. Declarations of Interest**

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

- 3. Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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4. **Proposed Amendment of the Borough of Crewe and Nantwich (General)(Off Street Parking Places) (Consolidation) (Minor) Order 2008 ('the Order') in relation to permits for parking on specified car parks in Nantwich - consideration of representations** (Pages 1 - 16)

To consider representations received in respect of a proposal to amend the Borough of Crewe and Nantwich (General)(Off Street Parking Places) (Consolidation) (Minor) Order 2008 insofar as it relates to the sale and use of permits in relation to the Love Lane, Snow Hill and First Wood Street Car Parks in Nantwich.

5. **Highway Routine Maintenance Operational Policies** (Pages 17 - 32)

To seek approval for a number of Highway routine maintenance operational policies for Cheshire East.

6. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

## **PART 2 - MATTERS TO BE CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC**

7. **Disposal of land at Chapel Street Car Park, Sandbach** (Pages 33 - 40)

To consider the disposal of land at Chapel Street Car Park, Sandbach.

8. **Statutory Transfer of School Sites and Premises** (Pages 41 - 44)

To consider and provide consent to ongoing statutory transfers of school sites and premises in accordance with statutory undertakings under the provisions of Schedules 6 and 21 of the School Standards & Framework Act 1998.

## CHESHIRE EAST COUNCIL

### Cabinet Member for Environmental Services

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<b>Date of Meeting:</b>	21st March 2011
<b>Report of:</b>	Head of Safer and Stronger Communities
<b>Subject/Title:</b>	Proposed Amendment of the Borough of Crewe and Nantwich (General)(Off Street Parking Places) (Consolidation) (Minor) Order 2008 ('the Order') in relation to permits for parking on specified car parks in Nantwich – consideration of representations
<b>Portfolio Holder:</b>	Councillor Rod Menlove

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#### 1.0 Report Summary

This report sets out the representations received in respect of the proposal to amend the Order as it relates to the sale and use of permits in relation to Love Lane, Snow Hill and First Wood Street Car Parks in Nantwich.

#### 2.0 Recommendations

2.1 The Cabinet Member for Environmental Services is requested to consider the representations received in relation to the proposed amendment to the Order in relation the issue and use of permits in relation to Love Lane, Snow Hill and First Wood Street Car Parks in Nantwich.

2.2 The Cabinet Member for Environmental Services is further requested:

2.2.1 to resolve whether, in the light of the representations, to approve the proposed amendment to the Borough of Crewe and Nantwich (General) (Off Street Parking Places) (Consolidation) (Minor) Order 2008 the effect of which would be to make provision for the sale and use of annual and seasonal (i.e. quarterly) parking permits for use in relation to Love Lane Car Park, Nantwich, Snow Hill Car Park, Nantwich and First Wood Street Car Park, Nantwich, the cost of which would be as follows:

Annual charge: £495

Quarterly charge: £135

and

2.2.2 if the proposed amendment order is approved, to authorise the Borough Solicitor, or officer acting on her behalf, to make and bring into force the proposed amendment order (as set out in 2.2.1 above) and to give notice thereof in accordance with statutory requirements.

### **3.0 Reasons for Recommendation**

- 3.1 At a meeting on 16th December 2010 the Cabinet Member for Environmental Services authorised the publication of a 'notice of proposals' in relation to proposed amendments to the Order as it relates to the sale and use of permits in relation to Love Lane, Snow Hill and First Wood Street Car Parks in Nantwich. Objections have been received in response to the notice of proposals. For this reason, in accordance with the Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996, the matter has been referred back to the Cabinet Member so that he may consider the objections. Details of the objections are set out within paragraph 10 below.

### **4.0 Wards Affected**

- 4.1 Nantwich

### **5.0 Local Ward Members**

Councillors B Dykes, A Martin and A Moran

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

- 6.1 The proposal is in line with the existing policy of sale of permits elsewhere in the Borough. Additional information is provided within the responses to the objections.

### **7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)**

- 7.1 There will be costs of approximately £550 associated with the publication of a 'notice of making.' These costs will be managed within existing budgets.
- 7.2 Currently, spare capacity exists on most days in First Wood Street and Snow Hill car parks as turnover is good at present, (more than 2 per bay per day on average). However, until the take-up of contracts is known it is difficult to quantify the full financial impact on income levels.

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

- 8.1 **S 122 Duty** : Section 122 of the Act imposes a general duty on the local authority to have regard to certain factors when exercising its functions under the Act, including car parking order making. Section 122 states the following:
- 8.1.1 *'It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters*

*specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.*

8.1.2 The matters specified under s122(2) are as follows:

- (a) *the desirability of securing and maintaining reasonable access to premises;*
- (b) *the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*
- (c) *the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*
- (d) *the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and*
- (e) *any other matters appearing to the local authority to be relevant.'*

8.1.3 It is considered that the change proposed in this report will not adversely affect the fulfilment of the Authority's duties under s122(2). The changed hours for charging are a response to councillors', officers' and business owners' observations that this car park is underutilised as a short stay. The change will make it easier for some longer stay vehicles to find a safe and convenient parking space that does not compromise the availability of short stay space in the centre. Therefore the change is unlikely to compromise access, safety or air quality.

8.2 Changing the charging hours of the Car Parks requires the proposing and making of an amendment order to amend the Order. The procedure for making such an order is prescribed within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

8.3 In accordance with the Regulations a 'notice of proposals' was published in the Nantwich Chronicle on 9th February 2011. Consultation has also taken place with prescribed bodies, including the Chief Officer of Police. The Council is required to take into consideration any objections received within the 21 day consultation period. Objections have been received and therefore the matter has been referred back to the Cabinet Member.

8.4 Public inquiry

When considering whether to make an order under the Road Traffic Regulation Act 1984, the Cabinet Member will be aware of the discretion he has to hold a public inquiry. Factors which ought to take into account in deciding whether or not an inquiry should be held are;

- the complexity of the proposals;
- the nature of the objections received;
- whether the decision maker is able to take into account competing arguments and weigh them against each other;

8.5 The discretion as to whether to hold a public inquiry or not should be exercised according to rules of natural justice, i.e. fairly in all the

circumstances. Any decision is not to be based on any self-imposed rule of policy or practice and therefore the decision must be made in relation to the present circumstances. It must not be based upon any previous presence or absence of an inquiry in similar proposals, nor must it be based upon a fear of setting a 'precedent'.

#### **8.6 Making of an order**

As soon as practicable after an order is made the Council is required to place a copy of the order with the documents on deposit at the Council's offices and, within fourteen days of the making of the order publish a 'notice of making'; inform any person who has objected to the order of the order being made; and ensure adequate publicity is given to the making of the order. A six week high court challenge period will then follow from the date the order was made.

#### **9.0 Risk Management**

N/A

#### **10.0 Background and Options**

- 10.1 As the Cabinet Member will recall, on 16th December he was asked to consider a report in relation to a proposal to amend the Order in order to make provision for the sale and use of permits in relation to Love Lane, Snow Hill and First Wood Street Car Parks in Nantwich. The report to the Cabinet Member suggested that annual and quarterly permits would represent a convenient alternative to those customers who park most regularly in the town of Nantwich, especially those who work there. The report also indicated (i) that the proposed charges were in line with the current contract charges elsewhere in the Borough where daily charges are equivalent to those in Nantwich; and (ii) that the price represented a discount of 35% for customers parking up to 305 days per annum or an equivalent of £1.62 per day.
- 10.2 As set out within the legal implications above, a 'notice of proposals' was published in the Nantwich Chronicle and on site on 9<sup>th</sup> February 2011. The notice specified that any objections to the proposals were to be received by 3<sup>rd</sup> March 2011. A number of representations have been received in relation to the proposals, details of which are set out below. As the representations include objections to the proposals the matter has been referred back to the Cabinet Member for consideration.
- 10.3 Attached as Appendix 1 is the representation received from Sustrans. Appendix 1 also includes a response by the Parking Services Manager to the points raised together with further points submitted by Sustrans and a response to these. Attached as Appendix 2 is a representation made on behalf of the Environment and Quality of Place Group of the Nantwich Local Area Partnership. Attached as Appendix 3 is a representation including comments from members of the South Cheshire Chamber of Commerce &

Industry. Officer comments in response to the points raised are shown in italics. A further representation has also been received from an individual who states “I wish to support this proposal. It will make parking easier for business owners and regular visitors to the town.”

- 10.4 The decision as to whether to proceed with the proposal hinges mainly on whether it will encourage increased long stay parking in the town causing less availability for shorter stay customers; this does not appear to have happened in the other towns of Cheshire East where permits are offered. However the parking stock is relatively small in Nantwich and the success of this scheme (in avoiding more congestion) depends upon the Council limiting sales of permits to a small percentage of the total space
- 10.5 The Cabinet Member is requested to consider the objections received and to determine whether, in light the objections, to approve the making of an order in the terms within paragraph 2.2.1 above. The alternative options are either (i) not to approve any amendment to the order; or (ii) to propose further modifications to the Order. It should be noted that if any proposed modifications would make a substantial change in the proposed order, before making an order the authority is required to take such steps as appear appropriate for (a) informing persons likely to be affected by the modifications; (b) giving those persons an opportunity of making representations; and (c) ensuring that any such representations are duly considered by the authority.

#### **11.0 Overview of Year One and Term One Issues**

Not applicable

#### **12.0 Access to Information**

Appendices 1 – 3: Representations received

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Designation: Parking Manager

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## APPENDIX 1

### REPRESENTATIONS BY SUSTRANS

We note the Proposed Order for parking permits at Love Lane, Snow Hill and First Wood Street car parks in Nantwich.

We have no particular view on the permits themselves, but we do object strongly to the low cost and discount being offered for 3 months and 12 months permits, for the following reasons:

- 1) This sends out a clear message to the public that the authority wants them to drive to work and will reward them with a 35% discount for the year.
- 2) This undermines totally the nascent efforts by other sections of the council and other bodies such as community groups and Sustrans in trying to reduce the affects of too much traffic, particularly congestion at peak periods in Nantwich, and poor air quality in Hospital Street, Nantwich.
- 3) It also undermines any effort to encourage public transport use as would-be commuters will compare the 35% discounted cost of £495 favourably with the cost say of an Arriva annual bus pass.
- 4) It also undermines any effort to encourage walking and cycling for health reasons for those many short journeys in Nantwich. (Typically two-thirds of all journeys are under 5 miles and half of those are made by car)
- 5) It also fails to recognise that the carbon emissions from transport (21% of the nation's total) have to reduce; encouraging more driving with the current dependence on diesel/petrol engines will not help achieve this.

In summary this would be a retrograde step for Nantwich. Please do not go ahead with discounted pricing for parking.

#### Response from Parking Services Manager to issues raised within Sustans representation

*I thought I should clarify the reasoning behind the proposal for contract permit sale in Nantwich, perhaps amplifying that included in the Statement of Reasons.*

*The proposal comes as we work towards a harmonized parking prices structure throughout Cheshire East. Until now we have not offered contract permits for sale in either Crewe or Nantwich. However in the towns of former Macclesfield Borough, such contracts have been available for some years. We felt that such contracts should be available in Nantwich. They are intended to offer an alternative to regular, long stay customers who comprise mainly town centre workers with little or no choice other than to bring their cars into town. In doing so we are trying to achieve a balance in applying reasonable charges whilst recognizing the particular*

*situation of different user groups in each town. This is in line with Cheshire East's Parking Strategy.*

*Some points are relevant to our efforts:*

- 1. Although it is true that technically the discount is 35% from a daily charge, in practice that is accrued only to those who buy the permit and park for at least 300 days a year. This limits the number of people to whom it will be applicable.*
- 2. As the contract will appeal mainly to these existing customers it is unlikely to result in increased traffic or parking volume.*
- 3. The chief benefit in the contract to an individual is, and is intended to be, that they may pay upfront for a permit and avoid daily change- finding. The Council benefits by saving on cash handling and an improved cash flow and so can transmit some of that saving to the customer.*
- 4. Finally you may have noticed that in the change to tariff structures in Nantwich prior to Christmas, we rectified two aspects : firstly, the cost of long stay parking both absolutely, and relative to short stay) was increased in line with our structure elsewhere in the Borough; secondly, we established a separate tariff for Nantwich , differentiating it from Crewe at last. This should help ensure we react appropriately in controlling parking in respect of the distinct pressures of the two towns.*

*I can assure you also that we will apply strict upper limits to the number of permits that may be granted on any of the three car parks- which will be kept in proportion to the demand for parking in the town from daily customers; and that in any event the permit does not guarantee a space on any car park.*

*I do hope that this allays most of your fears and concerns; however note that under the statutory regulations, there will be a public meeting with the Portfolio Holder next month at which your objection will be considered under the formal statutory procedure. You will be advised of the date should you wish to attend.*

#### Further comments from Sustrans

Thank you for your reply which sets out the context in relation to harmonizing car parking throughout Cheshire East.

However, we are trying to widen this discussion to take into account the overall transport picture, and the desire to reduce carbon, congestion, to improve people's health etc.

We would like to make the following points:

1. Offering the discount favours car commuting, contrary to the aims of the Cheshire East car parking strategy objectives.

*Response: it is also in the Strategy that we will offer a contract permit where possible on long stay car parks. Our Strategy says:*

## **5. Key Principles**

*The key principles that flow from the overall context of the Parking Strategy are:*

*5.1 Parking should be managed in a way that assists the vitality/viability of town centres and villages through local parking policies and standards which take into account the needs of local residents, disabled drivers, shops, businesses, employment and education.*

*And later:*

## **7. Proposals and Action to Achieve Objectives**

### **7.1 Encourage alternative travel choices through availability and pricing of town centre car parking**

*We will impose charges for parking at levels reflecting local pressures and needs.*

*Long Stay Parking: we will manage the provision of long stay parking in the town centres typically through pricing, to encourage the use of more sustainable transport and by a system of differential charging to promote the use of peripheral car parks where such parking is to be accommodated. This recognises that:*

- Commuters travel at peak periods and are a major contribution to congestion of the road network.*
- Commuter parking monopolises parking spaces for the entire working day*
- Transport objectives may be achieved more easily through parking policy interventions aimed at the commuter. It is more practicable for example for the commuter to change their travel patterns than it is to continually expand the road network and parking stock.*
- Long stay parking provision in connection with bus or rail commuter travel is supported in order to reduce the level of dependency on the motor car as a means of commuting to work.*

*Contracts parking, at discounted prices, will be made available on selected non central car parks for regular long stay customers.*

*Thus in offering contracts we do recognise the need to encourage responsible travel choices, but are seeking to provide a balanced approach to parking management. The emphasis will therefore be on limited choices of contract permit availability.*

2. This issue has nothing to do with the vitality of town centre shops. It is purely about how people get to work.

3. You state that town centre workers have little choice but to drive. Can you substantiate that statement? Have you carried out any travel planning to see how workers travel and how far? There are plenty of ways of getting to work, walking, cycling, using the bus service, using the local train service etc.

*Response; I think the missing word is “those” commuters with little choice. There are many people who work in towns whose personal circumstances and where they live effectively limit their choices. The response should not have implied that ALL workers are in this category, but we will not and cannot anyway, offer permits to all workers.*

We would like our objection to the discounted rate for the permits to stand. We believe the cost should be in excess of comparable yearly bus travel.

*It is acknowledged that where possible the cost of yearly bus travel should be taken into account when calculating the contract price, though in practice it is difficult to arrive at an acceptable average for this.*

## APPENDIX 2

### PARKING PERMITS IN NANTWICH

I write as chair of the Nantwich Local Area Partnership (LAP) group on Environment and Quality of Place, in response to the consultation on parking permits in Nantwich.

Our group's aim as set out in our Sustainability Statement (attached) is that the "Nantwich LAP area is environmentally diverse and robust, economically prosperous and socially fair."

You will note that one of our objectives is "Deliver and add to the Community Strategy in environmentally sustainable living (e.g. transport, procurement, energy efficiency, localism in decision making)."

We acknowledge that decisions such as the one on which you are consulting are not clear-cut and the economic advantages of implementation are balanced by environmental disadvantages in terms of encouraging car usage rather than other transport options.

We just wish to request that the elements that potentially give rise to conflicting solutions have all been adequately addressed in coming to your recommendations. Namely:

- substantial savings on annual parking charges via parking permits is a commercial incentive for businesses to locate in Nantwich centre, where the cost of parking might effect a downturn in the commercial activity of Nantwich;
- the convenience of having a parking permit coming at such a low cost might encourage car travel over using public transport, or more healthier options such as cycling or walking.
- the potential for bus subsidies.

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### Nantwich LAP Environment & Quality of Place Group: Sustainability Statement

The Nantwich LAP Environment and Quality of Place group will adopt sustainability as its overarching principle.

The Nantwich LAP area is largely rural with the market town having a strong relationship with its hinterland. The Environment and Quality of Place group supports the need to live within limits to achieve sustainability.

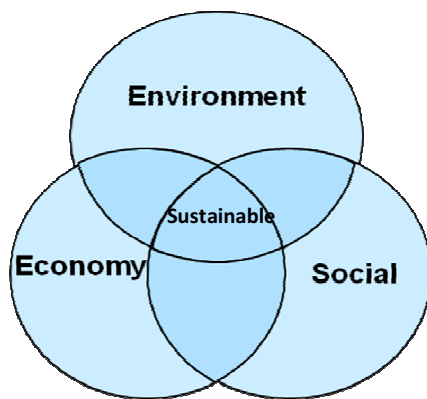
#### AIM

- That the Nantwich LAP area is environmentally diverse and robust, economically prosperous and socially fair.

#### OBJECTIVES

- Protect and enhance the environmental quality of the area (e.g. place-making, biodiversity, green and blue infrastructure, litter);
- Promote mitigation of and adaptation to the effects of climate change (e.g. in areas such as energy, local food, farming, flood management, transport);
- Seek to mitigate against the adverse impacts of any proposed development (e.g. through parish plans, planning);
- Deliver and add to the Community Strategy in environmentally sustainable living (e.g. transport, procurement, energy efficiency, localism in decision making).

#### Sustainability



Sustainability has existed as a concept since the 1980's. It is expected to achieve many things, with no universally accepted definition or overall agreement on goals.

By the World Summit in 2005, it was seen as a reconciliation of environmental, economic and social demands; (the "three pillars" of sustainability) being interdependent and mutually reinforcing. It is accepted now that sustainability is where the 3 needs are met together.

Most common definition:

*" development that meets the needs of the present without compromising the ability of future generations to meet their own needs"* (Brundtland Commission, UN 1987).

Simple messages include:

*"Working for economic growth without cheating on our children."* (UK Strategy for Sustainable Development 1994).

*Living for today with tomorrow in mind.* (Educating Sustainable Communities 2009, a Cheshire Initiative).

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**APPENDIX 3**

**REPRESENTATION INCLUDING COMMENTS FROM MEMBERS OF THE SOUTH CHESHIRE CHAMBER OF COMMERCE & INDUSTRY**

The Chamber of Commerce has consulted its members in Nantwich in relation to the proposal to introduce more Car Park Permits.

I attach a selection of the responses that have been received by e-mail which reflect a number of different views.

I have also received a number of other verbal responses which indicate that whilst the idea is welcomed, the proposed costs seem to be on the high side.

I have also received comments in relation to how the Council proposes to manage and control the permit scheme where the concerns have been around whether there would be “roving permits” or whether they would be “space specific” which is notoriously difficult to manage.

*The permits would apply only to one car park chosen from the three and would not guarantee a space.*

Other general comments have been around the problems of a high take up leading to reduced spaces available for shoppers and visitors.

I hope that these comments prove to be helpful.

In theory a good idea but a little on the expensive side. We currently pay 30% less to a private car park owner. I'd rather park on a council run facility but at a competitive cost.

Personally I believe that Nantwich should be attracting people to the town by offering preferential parking costs to those who work here. I'm not sure how many companies in the town would be able to afford to pay nearly £500 upfront for car parking for each of their employees. Individuals would, I'm sure, not be in a position to pay in advance either.

Sounds like a good idea!

I can see benefits to any business domiciled in Nantwich which does not have off-road parking. My business visits to Nantwich are sporadic and of short duration. My concern would be the reduction in available public parking spaces if this scheme implemented. On occasions I am already frequenting more than one car park to find an available space!

I feel that the price of a permit is too high (approx. £2.00 a day on a 5 day week) if you use it every day and if you take into account annual leave and Bank Holidays it quickly exceeds the price of day to day parking.

Unless the council make the price attractive the 'side streets' will remain the town's parking lot!

My first thoughts are that this will be a retrograde step for retailers in Nantwich who rely on shoppers being able to park easily and nearby.

No additional car parking has been provided since I,[....], retired in 1991. Just the reverse, valuable places, including Heavy Goods parking, have been lost at the Civic Hall Car Park.

Additionally, a lot of residential properties have been erected since this time greatly increasing the demand.

[...] It was the [Borough Council's] policy to provide an all day car park for shop owners and business users at the periphery of the town centre so they could park their vehicles and walk to their business premises.

This was proposed to be free of charge at the time! and possible locations were earmarked at the old Coal Yard next to Nantwich Station and an extension of the car park behind the Crown Hotel in Mill Street.

Unfortunately both sites were allowed to be developed for residential apartments, and no one at the Borough Council had the foresight to bother with monitoring or thinking of car parking provision.

[....] Nantwich Town Councils' "Nantwich Transport Group" which debates and advises on such matters; I am very surprised that no knowledge of this current intention has come before this group.

As usual the discussion/objection period is terribly short.

*The consultation period provided is governed by statute which has been complied with.*

# CHESHIRE EAST COUNCIL

## Cabinet Member for Environmental Services

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**Date of Meeting:** 21<sup>st</sup> March 2011  
**Report of:** Head of Regeneration  
**Subject/Title:** Highway Routine Maintenance Operational Policies  
**Portfolio Holder:** Councillor Rod Menlove

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### 1.0 Report Summary

1.1 The Council in its role as Highways Authority carries out a number of routine maintenance activities:

- Highway Tree Maintenance and Inspections
- Highway Verge Maintenance
- Highway Weed Control
- Highway Hedge Maintenance
- Highway Surface Water

1.2 These routine maintenance activities are carried out by the Council for safety and serviceability purposes which in part contribute to the Council's statutory duty under the Highways Act 1980. These activities also contribute to the biodiversity and sustainability of the highway and surrounding environment.

1.3 The proposed papers detailing the policies have been before Environment Scrutiny Committee on the 8 February 2011 where a number of options and amendments were discussed. These amendments have been incorporated into the document attached

### 2.0 Recommendation

2.1 That the Portfolio Holder approve the attached Highway Routine Maintenance Operational Policies (Appendices A-E) for Cheshire East.

### 3.0 Reasons for Recommendations

3.1 These routine maintenance policies are required so that highway users and stakeholders can be clear about the level of service the Council provides. They are also helpful in the event of claims for damages against the Council relating to the condition of the highway.

3.2 One of the issues the courts would look at would be the Council's stated policy, whether that policy was reasonable and importantly whether the Council carried out the level of service set out in the policy. The Council would have a defence against any claim brought against where it was able to show that its policies were reasonable in all the circumstances and that the policy was duly applied and carried out

#### **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 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.

7.2 The revenue budgets made available for discharging these policies for 2010/11 were

• Highway Tree Maintenance and Inspections	£50,000
• Highway Verge Maintenance	£818,377
• Highway Weed Control	£256,520
• Highway Hedge Maintenance	£196,100
• Highway Surface Water	£1,039,267

For 2011/12, it is envisaged that operational budgets may change as a consequence of the new highways contract arrangements and expected efficiency savings forecast for 2011/12 and 2012/13.

7.3 It is envisaged that the proposed efficiency savings will not have a direct detrimental effect on the ability to achieve the service outcomes described in these standards.

#### **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.

- 8.3 Section 58 of the Highways Act 1980 provides the Council with a statutory defence against claims where it can establish that it had taken such care as in all the circumstances was reasonable to ensure that the highway is kept safe. The carrying out of regular inspections coupled with reasonable highway policies which are carried out provides that defence.

## **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 and Options**

### **10.1 Highway Tree Maintenance and Inspections – Appendix A**

- 10.1.1 This policy deals with the maintenance and inspection of highway trees. The objective is that highway trees are maintained in a healthy condition and do not pose a danger to users of the highway and or cause structural damage to private property or the highway itself.
- 10.1.2 The Council is responsible for all trees on the highway. Trees within falling distance of the highway are those in third party ownership on land adjacent to the highway which may cause damage to the highway or put users of the highway at risk from harm. Liability for these trees rests primarily with the owner or occupier of the land. The Council however has a duty of care to users of the highway with respect to these trees.
- 10.1.3 For the Council to fulfil its obligations for highway trees it requires a system of inspection by a competent person normally an arboriculturist. These inspections are carried out to find trees that may be diseased or have structural problems which may lead to putting highway users at risk of harm.
- 10.1.4 The Council is currently undertaking a review of its responsibilities for all trees within its ownership, schools, Tatton Park etc including trees on the highway. The review is assessing the regime needed for specialist arboreal inspections to enable the Council to discharge its obligations as a tree owner.
- 10.1.5 The default position is that each tree should be inspected by an arboriculturist every five years. However previous advice suggests that

frequency between inspections of any one tree can be varied depending on the species of tree, age, its condition at the last inspection etc. In other words, the frequency of inspection can be increased or decreased based on the risk that a particular tree poses.

- 10.1.6 The policy as set out includes for inspections by an arboriculturist with any work that is required as a result of such an inspection being carried out. Where trees adjacent to the highway are found, by report or inspection, to be in an unsafe condition, that may affect the highway or users of the highway, the Council will use its powers under Section 154 of the Highways Act 1980 to remedy the situation and recover from the owner any associated costs.
- 10.1.7 The reason for the tree or branch falling into the highway is fundamental. If it is because of a particularly bad storm then nobody is likely to be found liable. Where the reason is that the tree was diseased then, unless the owner has taken reasonable steps to examine the condition and had no reason to think it would fall over, the owner is liable for any damage caused.
- 10.1.8 Where a third party owned tree falls across the highway, the Council will seek to recover all the costs, from the owner of the tree, incurred in carrying out any work including any traffic management measures.
- 10.1.9 Highway trees generate a number of complaints each year regarding the blocking of light to various premises, interference with television and radio signals and general nuisance from trees dropping sap, leaves, fruiting bodies etc.
- 10.1.10 The right to light is an emotive area for people affected. Many people are aware of the ancient and prescriptive 'right-to-light', but this only relates to loss of light over a considerable period of time and in certain specific circumstances. Where trees are concerned, there is no 'right-to-light'. The tree owner is not required or obliged in respect of any law to prune the tree for the benefit of his neighbour's level of light.
- 10.1.11 The purchase of a television licence entitles the buyer to operate any equipment to receive a transmission. It is not a guarantee of any television reception, let alone a perfect reception. The Council (or indeed any tree owner) is not required to remove or prune trees for the benefit of television reception. To expect the Council to take responsibility for the quality of television reception is unrealistic and unsustainable, and there is no basis in law for that expectation.
- 10.1.12 Being living, growing organisms some trees have certain characteristics that are not always compatible with the expectations of some residents. In particular, sporadic complaints are received with regard to problems such as leaf-fall, fruiting bodies, sap and bird fouling.
- 10.1.13 These are natural and seasonal processes and there is little the Council can, or indeed would wish do to alleviate them. The Council does not accept liability for damage as a result of such natural deposits from trees and there is no decided case law holding that these secretions are a legal nuisance.

## **10.2 Highway Verge Maintenance – Appendix B**

10.2.1 Highway Verge Maintenance is carried out for both safety and amenity purposes to:

- maintain visibility at junctions and bends
- prevent signs and bollards becoming obscured
- provide a refuge for pedestrians and road users where no footway exists
- prevent the encroachment of grass on to paved areas
- prevent the spread of weeds
- maintain and enhance the biodiversity of road side without compromising road safety

Appearance is a high priority for urban verges whereas in rural areas conservation is given a greater importance.

10.2.2 The policy provides for a performance specification for urban verges, roads with a speed limit of 40 mph or less, and a set number of cuts for rural verges, roads with a speed limit above 40 mph, with additional cut should safety needs dictate. Additionally the policy deals with the cutting of vegetation around obstructions in verges to ensure a good appearance.

10.2.3 The urban performance specification requires that the height of the vegetation is kept between 25mm and 100mm throughout the year. Whilst the rural verges are cut to a height of below 100mm.

## **10.3 Highway Weed Control – Appendix C**

10.3.1 Highway weed control is carried out for a number of reasons. Weed infestation if left unchecked can interfere with visibility for road users, cause structural damage to the highway, block road side gullies and affect drainage systems.

10.3.2 There is also an amenity value in that weed growth on the highway looks unsightly. Further there is a statutory duty on the council as highway authority to control injurious and noxious weeds as defined in the Weeds Act 1959 and the Wildlife and Countryside Act 1981.

10.3.3 The policy provides for the routine weed spraying of paved areas, kerbs and channels etc. to safeguard the structural integrity of the highway and for amenity. The policy also deals with the Council's responsibilities to control injurious and noxious weeds.

## **10.4 Highway Hedge Maintenance – Appendix D**

10.4.1 The Council as Highway Authority is not usually the owner of hedges that form the boundary of the highway and is therefore not responsible for their maintenance. The responsibility for the maintenance of such hedges normally lies with the adjacent landowner or occupier.

10.4.2 Where the Council is the owner of a hedge then it will be maintained so as not to cause a nuisance or obstruction to highway users.

- 10.4.3 The policy takes account of the Council's responsibilities under the Wildlife and Countryside Act 1981 and sets out the times of the year that hedges may be cut and trimmed. Any cutting and trimming of hedges for safety purposes may be carried out at other times.
- 10.4.4 The Highways Act 1980 (Section 154) empowers the Council, as Highway Authority, to protect the safety of highway users by ensuring that owners and occupiers of land adjacent to highways carry out their legal duties in respect of roadside hedges impacting on highway safety.
- 10.4.5 The policy also deals with issues regarding impacting on highway safety. Where this occurs a notice will be served on the landowner or occupier under section 154 of the Highways Act 1980. This gives the landowner 14 days to undertake the necessary maintenance work. In the event that the maintenance is not carried out the Council will carry out the work and recharge the landowner or occupier.

## **10.5 Highway Surface Water – Appendix E**

- 10.5.1 The efficient operation of highway drainage systems plays a major role in maintaining the safety and serviceability of the network. Primarily, they are provided to fulfil the following:
- Ensuring that the highway is drained efficiently and effectively removing surface water from the carriageway and footway.
  - Ensuring that properties adjacent to the highway do not suffer flooding due to the highway drainage system
  - Limiting the negative effects that poor drainage has on the integrity of the highway structure.
  - Ensuring that watercourses are not contaminated by highway pollutants.
  - The policy provides for the setting of maintenance regimes for the cleansing and maintenance of the highway drainage system that reflects the location and needs of the various drainage units and systems to ensure the function and meet the policy objectives.
  - Fulfil the statutory duties required under the Flood and Water Management Act 2010.

## **11.0 Access to Information**

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

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**Policy: Highway Tree Maintenance and Inspections****1.0 Introduction**

- 1.1 The Council is responsible for all trees on the highway. Trees within falling distance of the highway are those in third party ownership on land adjacent to the highway which may cause damage to the highway or put users of the highway at risk from harm. Liability for these trees rests primarily with the owner or occupier of the land. The Council however has a duty of care to users of the highway with respect to these trees.
- 1.2 The aim of the Council's policy for trees on the highway is that they are maintained in a healthy condition and do not pose a danger to users of the highway and or cause structural damage to private property or the highway itself.

**2.0 Policy**

- 2.1 For trees on the highway the Council will carry out tree inspections and operate a defect reporting system in line with current codes of practice, established guidelines and current best practice in order to meet its legal obligations. This will include the visual inspection from the highway of trees within falling distance of the highway where practicable.
- 2.2 The Council's tree maintenance regime is based on safety both for users of the highway and adjacent properties. The aim is to maintain adequate clearance for vehicles and pedestrians using the highway including visibility splays, signs and street lights.
- 2.3 In addition to the regular highway inspections the Council carries out the Council will respond to complaints, queries and reports from members of the public and others regarding highways trees by inspecting the site and if appropriate commission a report by a qualified arboriculturist.
- 2.4 The Council will carry out any remedial/preventative works that are deemed necessary as a result of the arboreal inspection within the recommended timescale. All inspections and work recommendations shall be in accordance with current codes of practice, British Standards and the principles of good arboricultural practice.
- 2.5 Any remedial action that is required to remove a hazard identified during a routine safety inspection will be carried out in accordance with the Council's inspection policy and the highway made safe by remedying / removing the hazard as soon as reasonably practicable
- 2.6 In the event that an emergency response is required to an incident the Council will take all necessary actions to make the highway safe by removing the hazard or obstruction with the minimum of delay or by closing the highway, or part of it, to until such time that the remedial actions can carried out safely.

- 2.7 Where trees adjacent to the highway are found, by report or inspection, to be in an unsafe condition, that may affect the highway or users of the highway, the Council will use its powers under Section 154 of the Highways Act 1980 to remedy the situation and recover from the owner any associated costs.
- 2.8 Where a third party owned tree falls across the highway, the Council will seek to recover all the costs, from the owner of the tree, incurred in carrying out any work including any traffic management measures.
- 2.9 The Council will not normally carry out tree work in response to complaints regarding television or radio reception. Complaints regarding blocking of light will only be considered should the exclusion of light be unreasonable and affect a habitable room.
- 2.10 Highway trees will not be pruned or otherwise cut back due to leaf fall, fruiting bodies, sap and bird fouling.

**Policy: Highway Verge Maintenance****1.0 Introduction**

- 1.1 It is recognised that well maintained highway grass verges and landscaped areas enhance the appearance of the highway environment and street scene. Conversely, badly maintained margins tend to create poor impression, especially in urban areas. In order to maintain a high standard of appearance throughout the Borough, they require regular maintenance to keep them looking at their best.
- 1.2 Generally speaking, the highway verge is defined as being the grassed or planted area that lies between the footway and carriageway or where no footway exists between the carriageway and highway boundary. It plays an important role in providing an area for locating street furniture and signs so that they do not create an obstruction on footway/cycleways. Verges also assist in draining the highway and they also provide an area for utility infrastructure that is relatively easy to reinstate and maintain.
- 1.3 Verge Maintenance is carried out on the highway for both safety and amenity purposes to:
- maintain visibility at junctions and bends
  - prevent signs and bollards becoming obscured
  - provide a refuge for pedestrians and road users where no footway exists
  - prevent the encroachment of grass on to paved areas
  - prevent the spread of weeds
  - maintain and enhance the biodiversity of road side without compromising road safety

Appearance is a high priority for urban verges whereas in rural areas conservation is given a greater importance.

**2.0 Policy**

- 2.1 Rural Verges (Roads with Speed Limit >40mph)  
Cutting will be carried out to visibility splays, at junctions and on bends and a 1.2m swathe adjacent to carriageways or footways. The frequency of cutting will be dependent on the rate of growth but will normally be twice per year. Additional cutting of visibility splays at junctions and bends will be carried when conditions determine that sight lines are, or are likely to become, obstructed by vegetation. The vegetation is to be cut to a height of below 100mm.
- 2.2 There are some special rural verges containing wild flowers. These areas of verge where identified are subject to a sensitive maintenance regime which takes account of the wild flowers and biodiversity of the area.
- 2.3 Urban Verges (Roads with Speed Limit 40mph or less)

The whole width of the verges shall be cut to maintain the height of the grass between 25mm and 100mm throughout the year.

- 2.4 Vegetation around road sign, columns, safety fences, posts, walls and other vertical obstructions that cannot be cut around by mowing machine shall be cut by other means.
- 2.5 The application of the rural and urban standards shall be flexible and depend on the general character of the particular road or area rather than be determined strictly by speed limit considerations.
- 2.6 In addition to ensuring that the verges are adequately and regularly cut, the Council will also endeavour to ensure that the highway verges are not adversely damaged by vehicles, either through parking or over-riding. Measures to protect affected verges may comprise the installation of physical barriers, verge reinforcement/strengthening and/or restraint through legislative means.
- 2.7 Apart from exceptional circumstances – i.e. where immediate works are required to obviate danger to users – the need for verge reinforcement works will be assessed and any works will only be undertaken as part of a planned programme of maintenance works.

**Policy: Highway Weed Control****1.0 Introduction**

- 1.1 There are two distinct aspects of the highway weed control function;
- The first is the treatment of general weeds which are likely to interfere with the highway e.g. when they create a hazard, cause structural damage, affect drainage systems or become unsightly.
  - The second aspect is the statutory duty to control harmful/noxious weeds on the highway; these are defined in the Weeds Act 1959 and the Wildlife and Countryside Act 1981.

**2.0 General Weed Control**

- 2.1 The following problems can arise from general weed growth on the highway if left unabated:
- Weeds will cause structural damage to the footways, carriageways and cycle ways if they are allowed to grow freely. Hence in the long term, much greater maintenance costs will result from an inadequate weed control strategy.
  - Weed growth is visually intrusive and heavy growth can give the impression that the highway network is being poorly maintained. This would impact upon customer satisfaction surveys and therefore Best Value.
  - Weed growth in the carriageway channel will cause a build up of detritus which will impede the effective drainage of the highway.

For these reasons, it is essential that the Council has an effective means of controlling weed growth on the highway.

- 2.2 Treatment intervals for the application of weedkiller will vary depending on a number of factors including climatic conditions and amount of debris on highway etc. For this reason it is more appropriate to set a performance led specification for weed control rather than a specification which stipulates a fixed number of weedkiller applications.

**3.0 Control of Noxious/Invasive Weeds****3.1 The Weeds Act 1959**

The Weeds Act 1959 empowers DEFRA to serve notice requiring an occupier of land to take action to prevent the spread of certain specified weeds. Prosecution under the Act is pursued by DEFRA specifically when agricultural land is threatened by the specified weeds. DEFRA may also elect to have a third party undertake any necessary action and recover costs from the occupier.

Specified weeds under the Weeds Act 1959 are Spear Thistle; Creeping Thistle; Curled Dock; Broadleaved Dock and Common Ragwort

### 3.2 The Wildlife and Countryside Act 1981

Section 14 of the Wildlife and Countryside Protection Act 1981 makes it an offence, liable to a fine, to plant or otherwise cause to grow in the wild, certain specified weeds. It may be a defence to prove that all reasonable steps were taken to prevent the plants growing in the wild.

Specified weeds under the Wildlife and Countryside Act 1981 are Giant Hogweed; Himalayan Balsam and Japanese Knotweed.

### 3.3 The Town and Country Planning Act (England & Wales 1990)

Section 215 (England & Wales) empowers Local Authorities to serve notice on owners or occupiers of land to control weeds considered harmful to the amenity of the surrounding area. Failure to take appropriate action may be liable to a fine, or alternatively the Local Authority may recover costs incurred in employing a third party to take the appropriate action.

- 3.4 It is clear from the legislation that there is a duty on the authority to take practicable measures to control the growth and prevent the spread of harmful/noxious weeds on the highway. Failure to do so could potentially result in prosecution under one of the above Acts and/or compensation claims from adjacent landowners.

## 4.0 **Policy**

- 4.1 The Council will carry out total weed control operations on areas of paving and hard standings, kerb, channels, back of footway, hedge bottoms and around street furniture.
- 4.2 Weed control measures will be by either herbicide application or by mechanical and/or hand pulling of weeds. Cutting may also be used to achieve the level of vegetation control required.
- 4.3 The Council will carry out selective weed control operations on rural highway verges to control the growth of injurious, noxious and controlled weeds including other invasive vegetation.
- 4.4 The Council will respond to complaints and reports of weed infestation and carry out where necessary spot treatment of vegetation with herbicide or by mechanical/manual removal to ensure that the Council's objectives and statutory obligations are met.

**Policy: Highway Hedge Maintenance****1.0 Introduction**

- 1.1 One of the main reasons why Cheshire is regarded as being such an attractive county is that many of its country lanes and roads are still bounded by mature hedgerows and trees. Not only do these features play a key role in shaping the overall landscape character of the county, but they also help to attract inward investment, combat pollution, encourage tourism, provide an ideal habitat for a wide range of flora and fauna whilst also offering users varied, pleasant and interesting routes.

**2.0 Maintenance Objectives**

- 2.1 Safety is the dominant issue in the maintenance of all boundary hedges. The frontagers, and not Cheshire East Council, usually own them. Hedges need cutting back so that overgrown branches do not impede pedestrians, drivers' sight lines are not blocked and traffic signs not hidden.
- 2.2 We notify landowners of any potential danger to the highway user from overgrown hedges or overhanging trees (which are usually owned by the adjacent landowner if they are within the hedgerow). If the landowner is not able, or is unwilling, to carry out the work, the Council can arrange for cutting to be done and the landowner charged for the work. Hedges within the road verges are the responsibility of Cheshire East Council. Many Parish Councils help us by reminding landowners of their responsibilities
- 2.3 Where the Council is the owner of a hedge then it will be maintained so as not to cause a nuisance or obstruction to highway users.

**3.0 Policy**

- 3.1 Hedges that are the responsibility of the Council shall cut back or trimmed as necessary so as not to impair highway safety and use by the public. The growth from hedges will be controlled so as not to obstruct sight lines, signs, streetlights etc. or hinder highway maintenance operations.
- 3.2 Cutting and trimming of highway hedges shall be restricted to the autumn and winter months. Trimming during March to August is likely to damage or disturb nesting birds and their young which is an offence under the Wildlife & Countryside Act 1981.
- 3.3 Any additional cutting or trimming of hedges outside the autumn/winter period shall only be carried out to maintain public safety and appropriate measures shall be taken to ensure that damage to wildlife and habitats is minimised to accord with the Wildlife and Country side Act 1981.
- 3.4 The Council shall maintain a schedule of hedges that it maintains and update the records as necessary.

- 3.5 The Highways Act 1980 (Section 154) empowers the Council, as Highway Authority, to protect the safety of highway users by ensuring that owners and occupiers of land adjacent to highways carry out their legal duties in respect of roadside hedges impacting on highway safety.
- 3.6 Where the Council becomes aware of a hedge impacting on highway safety a notice will be served on the landowner or occupier under section 154 of the Highways Act 1980. This gives the landowner 14 days to undertake the necessary maintenance work. In the event that the maintenance is not carried out the Council will carry out the work and recharge the landowner or occupier.



**Policy: Highway Surface Water****1.0 Introduction**

- 1.1 The efficient operation of highway drainage systems plays a major role in maintaining the safety and serviceability of the network. Primarily, they are provided to fulfil the following:
- Ensuring that the highway is drained efficiently and effectively removing surface water from the carriageway and footway.
  - Ensuring that properties adjacent to the highway do not suffer flooding due to the highway drainage system
  - Limiting the negative effects that poor drainage has on the integrity of the highway structure.
  - Ensuring that watercourses are not contaminated by highway pollutants.
  - Fulfil the statutory duties required under the Flood and Water Management Act 2010.
- 1.2 Generally, they are made up of a number of different elements:
- Piped drainage – includes gullies, inspection chambers, soakaways, kerb offlets and a wide variety of conduits and ironwork.
  - Ditches and grips – They may become obstructed due to silting, accumulation of vegetation and debris as well as damage by traffic
  - Culverts – a channel or conduit carrying a watercourse under roads.
- 1.3 Flooding on carriageways, cycleways and footways can arise due to a number of factors some of which may be related to the condition of drainage systems. For instance, as well as structural failure, piped systems and culverts can suffer from silting and blockage by debris and vegetation. Furthermore, ironwork and inspection chambers may be subject to subsidence and on occasions collapse.
- 1.4 To discharge our statutory duty as required by the Flood and Water Management Act 2010 inspections of flooding incidents will be undertaken whenever notification of such an event is received. During periods of consistent or heavy rainfall, numerous incidents can be reported and inspections of these will be carried out as resources allow. When flooding constitutes a risk to the safety of the highway user or threatens adjacent properties, the Council will do what is reasonable and practicable to alleviate the problem and minimise the risk.
- 1.5 Flooding incidents will be recorded and if such instances reoccur regularly, investigations will be carried out to ascertain the cause. If it is identified that the problems are due to the failure of the drainage system, appropriate

remedial work will be undertaken as soon as funding can be secured and the works can be programmed. On occasions, remedial works may be of a specialised nature or require significant pre-planning. Such schemes will be considered for implementation as part of the planned structural maintenance programme.

- 1.6 For those elements which are visible, defects will be identified when safety or other inspections are carried out (i.e. following a service request). Details of defects will be accurately and properly recorded and dealt with in accordance with the Highway Safety Inspection Code of Practice.

## **2.0 Policy**

- 2.1 The cleansing, emptying and removal of detritus from highway drainage units, gullies, manholes, catchpits, channels and combined kerb and drainage units will be carried out at frequencies, appropriate to their location, to ensure the effectiveness of the highway drainage system.

Cleansing of drainage units includes:

- The removal of all detritus and weed growth around and in drainage units including any surrounding apron.
  - Checking and clearing connections
  - Recharging gullies with water and
  - The reporting of any damaged or non-functioning units
- 2.2 Highway drainage interceptors will emptied and cleansed at a frequency to ensure they function correctly and do not contaminate water courses or drainage systems.
- 2.3 Where the highway drainage is found or reported to be not fully functional through the Council's routine inspections or report from the public the issue will be investigated and any blockages cleared and system repaired to return the system back to its fully operational condition.
- 2.4 Where third party drainage adversely affects the highway the Council will investigate and take such action, involving other agencies as necessary, to protect the highway and its users.
- 2.5 Carry out investigations of flooding incidents (where appropriate or necessary) to identify which organisation have the relevant flood risk management functions and what they have done or intend to do to mitigate this risk.

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