

Cabinet Member for Communities and Health

Agenda

Date: Monday, 26th September, 2016
Time: 11.00 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary 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 body in question. 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.

4. **Nelson Pit Visitor Centre Care Park, Higher Poynton (Pages 1 - 10)**

To consider the introduction of pay and display charges at this car park.

For requests for further information

Contact: Cherry Foreman

Tel: 01270 686463

E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies

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Cabinet Member for Communities and Health

Date of Meeting: 26 September 2016

Report of: Andrew Round Interim Executive Director of Place

Subject/Title: Introduction of Pay and Display charges (off street parking places order) at Nelson Pit Visitor Centre Car Park, off Lyme Road, Higher Poynton.

Portfolio Holder: Cllr Paul Bates

1. Report Summary

- 1.1. Cheshire East Council's Countryside Ranger Service looks after 27 countryside sites throughout Cheshire East. The sites include country parks, linear trails, local nature reserves and sites of special scientific interest. The managed countryside sites provide access to the local countryside for quiet informal recreation. Their management helps to promote community engagement: provide areas for environmental education; develop and improve the biodiversity of sites and promoting the opportunities for health and well being improvements. The number of visits to the countryside sites is estimated to be about 1 million visits per annum. The Countryside Ranger Service has a consistent high level of satisfaction by users, of over 96%.
- 1.2. There are three principal countryside sites which are very popular. These are Teggs Nose Country Park, located in the hills to the north east of Macclesfield, Brereton Heath Local Nature Reserve, located between Congleton and Holmes Chapel and Nelson Pit Visitor Centre, located at Higher Poynton. Nelson Pit Visitor Centre is a popular "honey pot" site associated with the adjacent Cheshire East Council owned Middlewood Way and the popular Macclesfield Canal. These three facilities include the ancillary facilities typically expected at such countryside sites. These include toilets, a visitor centre, a ranger's office, a managed landscape and an appropriately sized, hard surfaced car park.
- 1.3. At both Teggs Nose Country Park and Brereton Heath Local Nature Reserve, a car parking pay and display policy has been in place for a number of years. The Councils Civil Enforcement Officers (CEO's) monitor the car parks and the adjacent highways, and are responsible for the issuing of Penalty Charge Notices (PCN's). There are other off-street parking spaces within half a mile of Nelson Pit Visitor Centre (e.g.Poynton Coppice car park and Jackson's Brickworks car park) that will remain free. Income from pay and display is part of the Countryside Ranger Service budgets and directly relates to site management and provision of the service.
- 1.4. This report presents the proposal to introduce pay and display charges at the car parks located at Nelson Pit Visitor Centre, Lyme Road, Higher Poynton and thus amend the Cheshire East Borough Council (Off-Street Parking Places) (Consolidated) Order 2015. The Countryside Ranger Service will liaise with the Parking Services Team to assist and inform them of the requirement of any necessary enforcement action that may be required. This will be in a similar

manner as it currently does at Teggs Nose Country Park and at Brereton Heath Local Nature Reserve.

- 1.5. The proposal to introduce pay and display at Nelson Pit Car Park would mean that Cheshire East Council adopts a consistent approach across the three principle countryside sites, where there are a similar service and facilities provision. Income from the pay and display would assist in the provision of the countryside facilities. The proposed small increase in car park charges for the period of between 3 and 10 hours ensures consistency with the other two car parks mentioned earlier in the report.

The introduction of new car parking charges falls within the remit of the Communities and Health Portfolio Holder. The introduction of these charges is on land under the responsibility of the Highways and Infrastructure Portfolio Holder and as such would require the agreement of both of the Portfolio Holders; the Portfolio Holder for Highways and Infrastructure has been consulted and is in agreement with the proposals.

2. Recommendation

- 2.1. That the proposal to introduce Pay and Display charges at Nelson Pit Visitor Centre Car Park, off Lyme Road, Higher Poynton be approved subject to formal consultation and the Cheshire East Borough Council (Off-Street Parking Places) (Consolidated) Order 2015 (as amended) be further amended. In the event that objections are received that cannot be resolved, the Interim Executive Director of Place to have the delegated authority to determine whether and how to proceed after consultation with the Cabinet Member for Communities and Health.
- 2.2. In the event of there being no outstanding objections, or the Interim Executive Director of Place after consultation with the Cabinet Member for Communities and Health deciding to proceed notwithstanding any outstanding objection, to authorise the making and bringing into force of the proposed tariffs, hours of operation and other variations set out below:

- (a) that the charges payable in connection with the use of the Nelson Pit Visitor Centre car park, off Lyme Road, Higher Poynton on all days between the hours of 9.00 am and 9.00 pm would be:

0 – 1 hours	£0.70
1 – 3 hours	£2.00
3 – 10 hours	£2.50

- (b) a 12 monthly permit to cost £55 to allow parking at any of the following Parking Places: Nelson Pit Car Park, Teggs Nose Country Park and Brereton Heath Local Nature Reserve Car Park
- (c) a limited number (5) of 12 month permits be made available at a cost of £50 each to allow parking at Nelson Pit Car Park available to persons who, in the opinion of the Council

- i) fulfil the conditions of the Council's Residents Parking Policy; and
 - ii) live permanently on canal boats within 100 yards of Nelson Pit Car Park.
- (d) that the hours of operation of Nelson Pit Car Park would be all days and all hours;
- (e) that the maximum period a vehicle may wait within the Charging Hours would be 10 hours; the exception being those holding a permit referred to in 2.2 (c) above.
- (f) that Nelson Pit Car Park may be used by the following classes of vehicles: (i) motor cars (within the provisions of section 136(2) of the Road Traffic Regulation Act 1984 ('the 1984 Act')); (ii) motor cycles (as defined by section 136(4) of the 1984 Act); (iii) other motor vehicles (of a gross weight not exceeding 3.5 tonnes); (iv) invalid carriages (as defined by section 136(5) of the 1984 Act).

3. Other Options Considered

- 3.1. The reasons for the proposed order are set out within this report. The alternative options is:--
- 3.2. Not to make an amendment to the Order in relation to the site and therefore not to charge for use of parking at Nelson Pit Visitor Centre Car Park. This would lead to the car park being used as it currently is, and the service never covering any of the costs of providing the facility.

4. Reasons for Recommendation

- 4.1. It is proposed to introduce at this site charging for parking and control through appropriate civil enforcement for the following reasons:
- (a) To adopt a consistent approach to the management of the appropriate countryside ranger service facilities.
 - (b) If a surplus income is achieved, this will be used to contribute to the services costs of maintaining the countryside facilities
 - (c) To ensure a turnover of vehicles so that visitors may have a reasonable expectation of finding a space without a long wait: this should in turn reduce the risk of displacement at peak times onto nearby roads. Increased throughput should also benefit those local businesses geared towards visitors, which should experience an increased footfall;
 - (d) To provide for the effective and where appropriate enforcement by the Parking Services Team.

- 4.2. The operation, maintenance and upkeep of the site including the public toilets and Countryside Ranger Service accommodation, is contained in the service's revenue budgets. Usage and estimated income levels are assumed to be of a similar level proportionate to the other countryside car parks, of Brereton Heath Local Nature Reserve and Teggs Nose Country Park.

5. Background/Chronology

- 5.1. The Nelson Pit Visitor Centre Car Park serves a number of different leisure facilities, including the Middlewood Way footpath and bridlepath, canal visits, and longer walks on the public rights of way network to Lyme Park, visits to the pub and coffee shop and for dog walking. The car park is well used, and heavily occupied at peak times such as holidays and in good weather, which results in overspill onto local roads.
- 5.2. The introduction of tariffs and operating hours are designed to give customers the convenience of finding bays on the car park more quickly. At both Teggs Nose Country Park and Brereton Heath Local Nature Reserve, the principle of charging for site car parking, with the revenue going towards the provision of the site facilities is already accepted. It is considered that the same principle, whereby the provision of toilets, visitor centre, an appropriate car park, and facilities are provided (as at Teggs Nose and Brereton) and that this proposal will provide a consistent approach; then car parking charges should be introduced.
- 5.3. Assumptions of usage and estimated income levels are based on a similar level to other countryside car parks. Any surplus earned after operating costs will be utilised for the management of countryside facilities and amenities including the adjacent Middlewood Way, Jacksons Brickworks and Poynton Coppice.
- 5.4. Residents of canal boats use the car park, and have hitherto enjoyed free parking, including unauthorised and limited over night parking on this site. An annual permit priced at £50 as proposed by paragraph 2.2(c) above, which is in line with other residents parking permits within the Borough and will serve to provide for continued maintenance of the car park facility.
- 5.5. The charges proposed are similar to those levied at similar facilities elsewhere in the Borough (for example Teggs Nose Country Park and Brereton Heath Local Nature Reserve) which also include Sundays within the charging hours. This is due to the nature of use of the facility primarily for leisure. Other off-street parking spaces within half a mile of Nelson Pit Visitor Centre (e.g. Poynton Coppice car park and Jackson' Brickworks car park) will remain free

6. Wards Affected and Local Ward Members

All but specifically, Poynton East and Pott Shrigley.

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. The proposal should assist with reducing carbon emissions through reduced congestion and also encourage use of public transport or access to sites on foot or by cycle, thereby meeting the Council's corporate outcomes, 4 and 5
- 7.1.2. The proposal will enable the Council to continue to invest in the local countryside facilities in accordance with the Greenspace Strategy, (Jan 2013) and will contribute to the council's corporate plan outcomes numbers 4, 5 and 6.

7.2. Legal Implications

- 7.2.1. The proposal has to be advertised for 21 days and objections invited. The Council must take into account any representations in respect of the same before deciding whether to proceed.
- 7.2.2. If, following that process, the proposed amendment is made, there are further notification requirements designed to ensure that the public are made aware of the changes and when they will take effect. There is also a period of six weeks following the notification of the making of the proposed amendment to the Order during which a challenge may be brought in the Administrative Court.
- 7.2.3. Failure to consider any such objections would pose a risk to any subsequent decision. If any objections are received then these will be considered by the or the Interim Executive Director of Economic Growth and Prosperity who, after consultation with the appropriate Cabinet Member, will decide whether or not to proceed with making the Order.

7.3. Financial Implications

- 7.3.1. There will be a cost implication relating to the publication of the statutory notices. The estimated costs for statutory notices, is in the region of £1,500, and will be met from existing revenue budget provision within Countryside. Costs of operating and collecting cash (including the RingGo service) from meters, and maintenance are in the order of £1000 per annum.
- 7.3.2. The car park will require expenditure on signs, and the installation of up to two meters which will be provided from an existing stock. Total costs should not exceed £4,000 and will be met from the countryside budget.
- 7.3.3. Income targets for car parking at Nelson Pit formed part of the 2016-17 budget setting process approved at February Council. The Countryside service will face budget pressures in 2016-17 if this proposal is not implemented.

7.4. Equality Implications

None

7.5. Rural Community Implications

The proposal will enable the Council to provide recreational facilities in close proximity to all communities; to enable residents and visitors to contribute towards the rural economy and to benefit from health and well being opportunities.

7.6. Human Resources Implications

None

7.7. Public Health Implications

The provision of quality Country Parks will have a positive impact on the health and wellbeing of residents.

7.8. Other Implications (Please Specify)

Provision of access to countryside sites should increase physical activity and provide attractive local venues for communities to enjoy their leisure, seek relaxation and hold events and celebrations that enhance social cohesion.

8. Risk Management

Full consideration of any objections received in response to the statutory notices will mitigate any risk of challenge.

9. Access to Information/Bibliography

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

10. Contact Information

Contact details for this report are as follows:-

Name: Richard Doran

Designation: *Countryside Service Development Manager*

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Email: richard.doran@cheshireeast.gov.uk

NOTICE OF VARIATION CHESHIRE EAST BOROUGH COUNCIL (OFF-STREET PARKING PLACES)

The Council hereby gives NOTICE in exercise of its powers under Section 35C of the Road Traffic Regulation Act 1984 and Regulation 25 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, of its intention to vary the current parking provisions and introduce Pay and Display charges for the off-street car park at Nelson Pit off Lyme Road, Higher Poynton and to vary the charges for the use of Brereton Heath Local Nature Reserve and Teggs Nose Country Park referred to in this Notice. A plan showing the location and extent of the Nelson Pitt car park is available to view at [WEB LINK] or at [SPECIFY OFFICES]. The proposed variations relate to the Cheshire East Borough Council (Off-Street Parking Places) (Consolidated) Order 2015 which came into effect on 26th October 2015 as varied by the Cheshire East Borough Council (Off-Street Parking Places) (Variation No 1) Order 2016 which came into effect on 1st April 2016.

The proposals are as regards the Nelson Pit Visitor Centre car park, off Lyme Road, Higher Poynton

(a) that the charges payable in connection with the use of it on all days between the hours of 9.00 am and 9.00 pm ('the Charging Hours') will be:

0 – 1 hours	£0.70
1 – 3 hours	£2.00
3 – 10 hours	£2.50

(b) to issue up to 5 12 month permits be made available at a cost of £50 each to allow parking at Nelson Pit Car Park available to persons who, in the opinion of the Council

i) fulfil the conditions of the Council's Residents Parking Policy; and

ii) live permanently on canal boats within 100 yards of Nelson Pit Car Park

but which will otherwise be issued to the first five applicants who meet the above criteria and thereafter if any permit is surrendered or not renewed to the first applicant that meets the above criteria.

(c) it should operate all days and all hours;

(d) that the maximum period a vehicle may wait within the Charging Hours would be 10 hours; the exception being those holding a permit referred to in (b) above.

(e) that it may be used by the following classes of vehicles: (i) motor cars (within the provisions of section 136(2) of the Road Traffic Regulation Act 1984 ('the 1984 Act')); (ii) motor cycles (as defined by section 136(4) of the 1984 Act); (iii) other motor vehicles (of a gross weight not exceeding 3.5 tonnes); (iv) invalid carriages (as defined by section 136(5) of the 1984 Act).

It is also proposed to introduce a 12 monthly permit to cost £50 to allow parking at any of Nelson Pit Car Park, Teggs Nose Country Park and Brereton Heath Local Nature Reserve Car Park

The proposed variations above are intended to come into force on [DATE]. Restrictions for use and penalties for non-compliance with parking provisions remain the same as detailed within existing Order.

Any objection or other representation relating to the proposed Variation should be made in writing. All objections must specify the grounds on which they are made. Objections and other representations should be sent, marked for the attention of Mr Mark Wheelton, Corporate Commissioning Manager/Leisure c/o 2nd Floor, Westfields, Middlewich Road, Sandbach, Cheshire or sent by email to mark.wheelton@cheshireeast.gov.uk entitled "Variation to the Order" to arrive no later than 4.00pm on [DATE] 2016

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**Nelson Pit Visitor Centre
Lyme Road, Higher Poynton**

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