

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Environment and Communities Committee** held on Thursday, 28th September, 2023 in the Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Warren (Chair)
Councillor J Snowball (Vice-Chair)

Councillors J Bird, M Brooks, L Buchanan, T Dean, A Farrall, S Gardiner, D Jefferay, B Posnett, H Seddon, L Smetham and J Saunders

OFFICERS IN ATTENDANCE

Tom Shuttleworth, Interim Director of Environment and Neighbourhoods
Chris Allman, Head of Neighbourhood Services
Ralph Kemp, Head of Environmental Services
Tom Evans, Neighbourhood Planning Manager and Interim Environmental Planning Manager
Laura Woodrow-Hirst, ASB and Community Enforcement Manager
Tracy Baldwin, Finance Manager
James Thomas, Principal Solicitor
Josie Lloyd, Democratic Services Officer

95 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Whitaker. Cllr Saunders attended as a substitute.

96 DECLARATIONS OF INTEREST

In the interest of openness, Cllr Gardiner declared that he had ongoing and regular contact with the Chief Executive of Barratt David Wilson Homes, which was a company referred to in an appendix of item 5 – Biodiversity Net Gain Supplement. The contact was work related and therefore not related to this report.

97 MINUTES OF PREVIOUS MEETING

Cllr Jefferay stated that, at the previous meeting, members had declared interests in the Libraries Service Review by a show of hands to indicate that they were members of the Cheshire East library service but that his name had not been included.

RESOLVED:

That the minutes of the meeting held on 27 July 2023 be agreed as a correct record, subject to the above amendment.

98 PUBLIC SPEAKING/OPEN SESSION

Ms Cathy Bruderer attended the meeting to speak in relation to item 9 – Green Spaces Maintenance Review. Ms Bruderer stated that the land on the Co-op estate in Elworth had been maintained by the local authority since the 1970s. Three plots were adopted at the start of the estate being built and residents had been told by a former Cheshire East Councillor that it was human error that the rest of the land was not adopted. Ms Bruderer felt that this was negligence and that the Council had a duty of care to the residents. Ms Bruderer stated that there were a number of anomalies and that the consultation should not take place until the facts were correct. Ms Bruderer raised a number of queries including:

- The land at Manifold Close/Lawton Way and Richmond Close was highway land, therefore why was land on Pickmere Close not
- Whether a report provided by Highways in May 2022 in respect of visibility splays had been considered
- Why the land at the Co-op estate was not classed as rural open space, as the Tatton Estate and others in Sandbach were
- Why the amenity level was classed as 'N/A' despite planning applications referring to it as designated amenity land
- Why other land in Sandbach was classed as category 2 when this estate was category 3
- Why the footpaths on this estate were the only footpaths in Sandbach being excluded
- Whether the impact on residents' wellbeing had been considered
- Why maintenance was continuing in other areas of the town where the land was owned by the Duchy of Lancaster

Officers undertook to provide a written response to the questions raised.

Mr Steve McDermott addressed the committee in relation to item 9 – Green Spaces Maintenance Review. Mr McDermott stated that the review was flawed and the Grange Way estate in Elworth was being treated differently to other privately owned plots by having its maintenance stopped, for example by Cheshire East intending to continue maintaining privately owned plots on the Tatton Drive estate in Sandbach which was land owned through the Crown Estates. The residents wanted equality and felt that if maintenance was to be stopped then it should be stopped on all private plots in the borough at the same time. Mr McDermott stated that Cheshire East had failed to adopt all the open spaces on the Grange Way estate despite requests from the Town Council and felt that the fact that the land had been maintained for more than 50 years meant Cheshire East had adopted the land without ownership. A previous Cheshire East Councillor had confirmed in writing that maintenance of land on this estate was paid for from the residents' community charge. The Grange Way estate had a primary school and supermarket so high volumes of people visited the estate. Residents felt that stopping maintenance would impact on house prices.

Cllr Robert Douglas from Congleton Town Council spoke in relation to item 10 – Household Waste Recycling Centres Update and referred to other local authorities which had built new recycling sites and had lower costs than those estimated by Cheshire East for a replacement site in Congleton. Cllr Douglas felt that the estimate within the report was unrealistic and was disregarding the interests of Congleton and surrounding areas. Cllr Douglas urged the committee

to pass an amendment rejecting this estimate and requiring officers to provide a realistic estimate together with fully detailed calculations and evidence at the next meeting.

Cllr Laurence Clarke from Poynton Town Council addressed the committee in relation to item 10 – Household Waste Recycling Centres Update. Cllr Clarke raised a number of queries in relation to the following:

- Why Poynton was the only waste site suggested for closure in 'Option Do Something 1' within the report
- Why the matter was being discussed before the results of the recent survey of usage at Poynton and other waste sites had been analysed or reviewed
- Whether any estimate had been made of the additional car journeys that would be made if the Poynton site closed, and the air pollution and congestion that would result
- Why Poynton had been singled out for closure. Cllr Clarke stated that it was 7 miles from the Poynton site to the Bollington site and 10.4 miles to the Macclesfield site. However, it was only 5 miles from the Bollington site to the Macclesfield site and the population of Poynton was almost twice that of Bollington
- Whether the Council agreed that the access to the Bollington waste site along Albert Road, past two schools, a day nursery, fire station, several factories and numerous houses, and which is blocked with parked cars 24/7, was unsuitable
- Whether Cheshire East had made any provision for legal costs in the event of the decision being challenged

Cllr Clarke also stated that the introduction of the green waste subscription charge was likely to have an impact on the use of household waste sites and that any review of the household waste sites should be delayed until after the impact of the green waste charge is known. Cllr Clarke urged the committee to withdraw the item.

99 **BIODIVERSITY NET GAIN SUPPLEMENTARY PLANNING DOCUMENT**

The committee considered the report which sought approval to consult on the final draft of the Biodiversity Net Gain Supplementary Planning Document. The document provided guidance on policies held in the Development Plan and contributed to reducing the impact on the environment by improving biodiversity and natural habitats within the borough.

The committee noted that there would be a further proof read of the document to ensure that any typographical errors would be rectified.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Agree to the publication of the final draft BNG SPD and report of consultation for public representations for a period of a minimum of four weeks.

2. Publish the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (“SEA”).
3. Publish the associated Equalities Impact Assessment Screening Report (“EQIA”).

100 **EXTENSION OF PUBLIC SPACE PROTECTION ORDERS FOR RESPONSIBLE DOG OWNERSHIP**

The committee considered the report which sought approval to extend the Borough wide Public Space Protection Order (PSPO) originally made in October 2017 and extended until October 2023, relating to Dog Fouling and Dog Control, and the separate but related order for The Carrs Park at Wilmslow, also made in October 2020. The extended use of these orders would allow a consistent and manageable approach in tackling irresponsible and anti-social dog ownership, therefore promoting safe use of open spaces and protecting residents.

A query was raised regarding enforcement and whether fixed penalty notices could be issued by anyone other than Council officers. It was noted that this was a criminal matter, not civil, so would need a delegation which would require caveats to be in place. It was suggested that this be looked into outside of the meeting.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the result of the consultation in relation to extending the current Public Space Protection Orders.
2. Approve an extension for a further three years the borough wide Public Space Protection Order (PSPO), relating to Dog Fouling and Dog Control.
3. Approve an extension for a further three years the Carrs Park, Wilmslow Public Space Protection Order (PSPO) relating to Dog Fouling and Dog Control.

101 **EXTENSION AND VARIATION OF PUBLIC SPACE PROTECTION ORDER FOR ALLEY GATING**

The committee received the report which sought approval to extend and vary the Public Space Protection Order (PSPO) made in October 2020, relating to Alley Gating. The extended use of this Order would allow a consistent and manageable approach to tackling anti-social behaviour and protect residents from being victims of crime.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the result of the consultation in relation to extending the current Public Space Protection Order related to Alley Gating.

2. Approve an extension for a further three years the Public Space Protection Order (PSPO), relating to Alley Gating.
3. Approve a variation to the same PSPO to ensure that it covers all alley gates which are currently in place across the borough, as included in the appended schedule attached to the draft Order.

102 **PROCUREMENT OF A FOOTBALL DEVELOPMENT PARTNER FOR KING GEORGE V PLAYING FIELD, CREWE**

The committee considered the report which provided an update on the development of the proposed new all weather (3G) pitch and improvements to the clubhouse (Pavilion) at King George V Playing Fields and to seek the necessary delegations to enable the scheme to continue moving forward.

Cllr Anthony Critchley attended to speak as a visiting member. Cllr Critchley encouraged the committee to support the recommendations and consider the long-term benefits this proposal could bring to Crewe and the wider community. Cllr Critchley stated that this was a unique opportunity to promote a healthier lifestyle and wellbeing as well as bringing economic benefits by attracting more sporting events to the area, while remaining cost neutral. This would be an opportunity to make a positive impact without compromising other essential services. Cllr Critchley thanked the officers involved.

Cllr Dean read out a statement on behalf of Cllr Allen Gage which stated that this was a well-established sports site with adequate on-site parking and he did not believe that the repurposing of existing space would impact on current activities. Cllr Gage highlighted that the addition of an all-weather surface would not only extend the usage until 9pm but would expand its scope to football groups that catered for all ages.

A query was raised as to when facilities in other areas of the borough could be improved and it was noted that this would be addressed in the Updated Playing Pitch and Open Spaces Strategy report which was scheduled for the Environment and Communities Committee meeting on 28 March 2024.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Approve the undertaking of a competitive procurement exercise for the appointment of a Football Development Partner to work in partnership with the Council in delivering the scheme.
2. Delegate authority to the Head of Neighbourhood services to enter into the agreement with a development partner.
3. Delegate authority to the Director of Environment and Neighbourhood Services to undertake any public consultation on the proposal that maybe required in support of a subsequent planning application.

4. Delegate authority to the Director of Finance and Customers Services to authorise the entering into a grant agreement for the scheme once the final terms and conditions of funding are known and subject to all of the required statutory consents being in place.
5. Delegate authority to the Director of Environment and Neighbourhood Services in consultation with the Chair of Environment and Communities Committee and the Chair of Economy and Growth Committee to authorise the formal advertising of disposal of open space, prior to entering into a formal agreement with a development partner.

103

GREEN SPACES MAINTENANCE REVIEW UPDATE

The committee considered the report which detailed the progress in delivering the Green Spaces Maintenance Review which was a key element of the Council's adopted Medium Term Financial Strategy 2023-27.

Cllr Nicola Cook attended to speak as a visiting member and highlighted what were believed to be a number of errors within the report. Cllr Cook stated that there was a need to engage with consultees in a meaningful way and ask for the consultation to be deferred in light of the errors.

A query was raised as to whether the Council had a legal obligation to treat the Duchy of Lancaster land differently to the land the residents referred to under public speaking. Officers undertook to provide a written response.

A further query was raised regarding enforcement if third party landowners do not maintain the land, specifically whether enforcement action can be based solely on aesthetics. Officers would look into this following the meeting.

In response to concerns raised regarding visibility splays, officers advised that checks had already been undertaken but the specific issues raised under public speaking would be checked to provide assurances.

A motion was moved and seconded which sought to amend recommendation 2 of the report to include the following wording, prior to 'delegate':

'Following a review of the data concerning land ownership, securing confirmation that none of the land identified as unregistered or whose ownership is unknown and clarification of any other anomalies'

The motion was carried unanimously.

The Interim Director of Environment and Neighbourhoods undertook to contact the committee to provide assurance once the checks had been completed and any anomalies corrected, and the public consultation would then go ahead without referral back to committee.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the objectives of and progress to date of the work to bring forward the Green Spaces Maintenance Review alongside its contribution to delivering the Council's Medium-Term Financial Strategy, as adopted at Council on 22 February 2023.
2. Following a review of the data concerning land ownership, securing confirmation that none of the land identified as unregistered or whose ownership is unknown and clarification of any other anomalies, delegate to the Interim Director of Environment and Neighbourhood Services to take all necessary steps to deliver a public consultation to seek views on:
 - a. the Green Spaces Maintenance Policy contained within Appendix A of the report and the associated schedule at Appendix B and;
 - b. the recommendations from the review of maintained sites – not registered in Council ownership as contained at paragraphs 36-42 of the report and the associated schedule at Appendix C
3. Note the subsequent timeline for bringing back to Committee a clear recommendation on implementation, which is to include the outcome of the public consultation.

104 **HOUSEHOLD WASTE RECYCLING CENTRES - REVIEW UPDATE**

The committee considered the report which detailed the progress in bringing forward a review of Household Waste Recycling Centre (HWRC) service provision across Cheshire East.

Officers advised that a further recommendation had been added following the publication of the agenda. The additional recommendation would read:

'That the Environment and Communities Committee note that, with regard to the actions required by the review of household waste recycling centres being legitimate transformational activity, a supplementary capital estimate for £200,000, fully funded by flexible use of capital receipts, will be approved by the Acting Executive Director of Place, in consultation with the Director of Finance & Customer Services, in accordance with the Constitution.'

A request was made for a breakdown of the cost of the procurement exercise. Officers would provide this detail following the meeting.

A motion was moved and seconded to amend recommendation 2 of the report to state that 'do something 1' in the options set out at paragraph 35 should include 'Poynton or Bollington', as opposed to only Poynton. The motion was carried by majority.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the actions taken or planned by officers to refresh the evidence base for the appropriate provision of household waste recycling centres in Cheshire East.
2. Delegate to the Interim Director of Environment and Neighbourhood Services to take all necessary steps to deliver a public consultation to seek views on those options for future HWRC service delivery as presented at paragraph 35, with the addition of the wording 'Poynton or Bollington' in option 'do something 1'.
3. Delegate to the Interim Director of Environment and Neighbourhood Services to take all necessary steps to undertake a procurement exercise, based on those same options detailed at paragraph 35, to ensure continuity of HWRC service provision post the expiry of the current contract extension.
4. Note the subsequent timeline for bringing back to Committee a business plan with clear recommendation on option to progress, which is to include the implications of any capital investment requirements.
5. Note that, with regard to the actions required by the review of household waste recycling centres being legitimate transformational activity, a supplementary capital estimate for £200,000, fully funded by flexible use of capital receipts, will be approved by the Acting Executive Director of Place, in consultation with the Director of Finance & Customer Services, in accordance with the Constitution.

105 **WORK PROGRAMME**

The committee received the work programme.

It was noted that the Approval of Cemeteries Strategy report would be deferred from November to February committee and that the Strategic Leisure Review final recommendations had been brought forward from March to February 2024.

A request was made in relation to the 9 November meeting for members to receive the papers earlier and for officers to look into extending the meeting, due to the size of the agenda.

Cllr Farrall requested an item to come forward, either in this municipal year or next depending on resource availability, in relation to the Cleaner Crewe project and which aspects of the scheme could be rolled out to other areas of the borough.

RESOLVED:

That the work programme be noted.

The meeting commenced at Time Not Specified and concluded at Time Not Specified

Councillor M Warren (Chair)