

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Highways and Transport Committee**
held on Thursday, 23rd November, 2023 in the The Capesthorpe Room -
Town Hall, Macclesfield SK10 1EA

PRESENT

Councillor C Browne (Chair)
Councillor L Crane (Vice-Chair)

Councillors L Braithwaite, R Chadwick, P Coan, A Coiley, H Faddes, A Gage,
C Hilliard, R Moreton, H Moss, J Priest and M Sewart

OFFICERS IN ATTENDANCE

Tom Moody, Director of Highways and Infrastructure
Domenic De Bechi, Head of Highways
Richard Hibbert, Head of Strategic Transport and Parking
Chris Hindle, Head of Infrastructure
Simon Wallace, Contract Asset Manager
Genni Butler, Acting Public Rights Of Way Manager
Clare Hibbert, Definitive Map Officer
Richard Chamberlain, Public Path Orders Officer
John Lindsay, Definitive Map Officer
Marianne Nixon, Public Rights Of Way Officer
Steve Reading, Principal Accountant
Mandy Withington, Solicitor
Nikki Bishop, Democratic Services Officer

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on Thursday 21 September 2023 be agreed
as a correct record and signed by the Chair.

4 PUBLIC SPEAKING/OPEN SESSION

Carol Jones (on behalf of Crewe and District Bus Users Group) addressed the
Committee in relation to agenda item 9 Local Bus Support Criteria – Consultation
Outcomes. Ms Jones asked the Committee how it would ensure that connectivity,

consistency and continuity would be fulfilled to achieve successful, sustainable progress for a better public transport system and a better future for all.

Cllr Tim Wheatcroft (Sandbach Town Council) spoke in relation to agenda items 5 (response to the Petition to install a Pedestrian Crossing on The Hill, Sandbach) and item 7 (Pedestrian Crossing Strategy). Cllr Wheatcroft was supportive of the installation of a pedestrian crossing at the Hill, Sandbach and stated that whilst the petition was supported by over 5,000 residents, the Council response was negative and abdicated the Council's responsibility for promoting and delivering net zero. Cllr Wheatcroft requested that the Council ensured that all future reports included a lead in statement setting out the climate change benefits and the Net Zero contribution possibilities.

Mrs Val Scaresbrook addressed the Committee on behalf of Congleton Sustainable Travel, in relation to agenda item 7 (Pedestrian Crossing Strategy) and item 8 (Engine Idling). Mrs Scaresbrook made a number of comments in relation to dropped kerbs, light-controlled crossings and entry kerbs. Mrs Scaresbrook also requested that matrix item 20 be removed from the prioritisation matrix as it was felt that this reduced a school's chance of getting a crossing. The Chair thanked Mrs Scaresbrook for her comments and requested that these be formally fed back during the proposed consultation on the Crossing Facilities Strategy. Mrs Scaresbrook also requested that item 8 considered bus station idling and asked if this could be addressed by enforcement and in bus service contracts.

Cllr Robert Douglas (Congleton Town Council) addressed the Committee in relation to agenda to item 7 (Pedestrian Crossing Strategy). Cllr Douglas stated that the Strategy made no reference to consultation with, or follow up engagement with, local communities and organisations such as schools. Cllr Douglas requested that there be a formal procedure in the strategy which required feedback on the results on the prioritisation matrix and future plans with those who have raised concerns around the lack of a pedestrian crossing, including Eaton Bank Academy in relation to such a crossing on Jackson Road.

Nikki Bishop, Democratic Services Officer, read out a statement submitted by Ms Sue Helliwell in relation to agenda item 5 (Notice of Motion to install a pedestrian crossing on the Hill, Sandbach) and item 7 (Pedestrian Crossing Strategy). Ms Helliwell's statement was in support of the installation of a pedestrian crossing at the Hill, Sandbach and highlighted how needed this crossing was for school children and all residents who needed to cross a busy main road to get to school or the local Co-op. It was stated that in order to promote itself as a greener, fairer Council, which encouraged walking and cycling, safe crossings were needed. Mrs Helliwell highlighted that S106 funding was available and needed to be spent before Spring 2024. The Chair committed to providing a written response.

Ms Sarah Bradley (Petition Organiser) addressed the Committee in relation to agenda item 5 (Response to the Petition to install a Pedestrian Crossing on The Hill, Sandbach). Ms Bradley stated that last year she resurrected the long-standing campaign to install a pedestrian crossing on the Hill, Sandbach and stated that this was an extremely busy road that both parents and children needed to cross to get to school. It was highlighted that St John's Primary School was the only school in Sandbach that did not have a crossing and the installation

of a crossing was well supported by local residents, Sandbach Town Council, the local Ward Cllr and Fiona Bruce MP. Ms Bradley stated that the former Head of Highways had previously attended the site and agreed that a design feasibility would be carried out. £100k S106 funds had been identified which needed to be spent before June 2024, Ms Bradley urged the Committee to not defer the assessment and progress with the design feasibility study.

VISITING MEMBERS REGISTERED TO SPEAK

Cllr Janet Clowes attended the Committee meeting and addressed the Committee as the proposer of the Notice of Motion: National Parking Platform (agenda item 6). Cllr Clowes stated that she was disappointed with the officer report which recommended no further action be taken. Cllr Clowes highlighted that the model was never intended to operate over all car parks within a local authority area, but for the initiative to evolve over time and that the estimated £43,000 costs would be mitigated by the gradual introduction of the scheme. Cllr Clowes welcomed the proposal in the report to engage with the National Parking Platform pilot local authorities to understand the lessons learnt. It was noted that the current contract expired in October 2024 however this would be when Phase 5 would be rolled out. Cllr Clowes also highlighted that the report focussed on implementation charges, but not savings that would be made. The Committee were asked to review the initiative in 12-months' time, adding the item to the Work Programme.

Cllr Sam Corcoran, Ward Councillor for Sandbach Heath and East, addressed the Committee in relation to agenda item 5 (Petition for a Crossing on The Hill Sandbach). Cllr Corcoran confirmed that he first became involved in the campaign for a crossing in 2018 and also supported the current campaign. Cllr Corcoran stated that he was disappointed that some local campaigners had opposed a school crossing patrol officer on the Hill, Sandbach and felt that School Crossing Patrol Officer would have encouraged more people to cross the road on their way to school, further demonstrating the case for a crossing. Cllr Corcoran welcomed the proposed Crossing Facilities Strategy which would favour a pedestrian crossing on the Hill, Sandbach in the future where the volume and speed of vehicular traffic deterred people from crossing the road. Cllr Corcoran also requested that he receive a decision as soon as possible on whether the proposed works at the bottom of the Hill, Sandbach, would go ahead.

5 RESPONSE TO THE PETITION TO INSTALL A PEDESTRIAN CROSSING ON THE HILL, SANDBACH

The Committee considered a report prepared in response to a petition to install a pedestrian crossing on the Hill, Sandbach. The petition, received by the Council, had been signed by over 5,000 petitioners. The Committee noted that the location had been considered previously in 2018 and did not meet the policy criteria for a controlled crossing. It was highlighted that the Council was developing a new pedestrian crossing strategy, the aim of which would be to identify and suppress demand for crossings and consider a broader range of local factors.

The Committee agreed, in light of the Council's current financial position and the proposed review of the Pedestrian Crossings Strategy, the request for assessing the need for a crossing at the Hill, Sandbach, should be deferred and that the site

be considered as soon as possible following the strategy review, with any assessment against the new approved policy criteria.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Receive the Petition.
2. Agree that the petition be noted and recorded by the Council.

6 NOTICE OF MOTION: ACCESS TO THE NATIONAL PARKING PLATFORM

The Committee considered a report in response to the Notice of Motion proposed at Full Council on 19 July 2023 by Cllr Janet Clowes, and seconded by Cllr M Sewart, that stated: *'a) This Council joins the National Parking Platform (NPP) Pilot expansion project for Q2/Q3 2023, with immediate effect and b) That this Council, in joining the NPP pilot, incorporates current NPP evidential learning and practices into any future Car Park Charging Strategy for Cheshire East'.*

The Committee noted the overview provided of the NPP pilot project, the financial implications that joining the project would have for the Council and that a meeting took place between Cheshire East Officers and representatives of the NPP on 1 August 2023 to discuss potential access to the pilot scheme. Cheshire East had been informed that the pilot scheme could end in March 2024 and that the DfT would expect the NPP to be self-funding by the start of the next financial year. It was confirmed that the Council did not have the budget to support the subscription to the NPP pilot in its 2023-24 forecast.

It was also noted that the Council's current mobile payment app contract did not end until October 2024 and it was therefore not possible to join the NPP before this date. It was therefore proposed, seconded and subsequently carried that the Committee added a review of the project to the Work Programme for consideration in September 2024, to evaluate the outcomes and monitoring of the project during that period in the context of future opportunities.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Note the National Parking Platform pilot Project.
2. Endorse that joining the NPP in its pilot phase is believed to be premature at this stage due to the financial implications and the existing contract arrangement which expires in October 2024.
3. Note that the NPP pilot project will be monitored to explore potential future opportunities for the Council.
4. Agree to add a review of the NPP Pilot Project to the Committee Work Programme for September 2024.

7 PEDESTRIAN CROSSING STRATEGY

The Committee considered a report which set out the draft Crossing Facilities Strategy which aimed to enhance active travel and promote high-quality asset management principles within the highways network.

The Committee noted that the draft Strategy set out a consistent approach which the Council would take to managing new and existing pedestrian crossings on the highway network, providing a process for handling requests and the assessment procedure for determining the priority for funding. The Committee welcomed the draft Crossing Facilities Strategy and the proposal to consult for a 6-week period.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Approve the publication of the draft Crossing Facilities Strategy for a six-week consultation process.
2. Note that a report on the outcome of the consultation process which will seek approval for the adoption of an updated Crossing Facilities Strategy will be presented to the Highways and Transport Committee at a future date.

8 ENGINE IDLING ENFORCEMENT - BUSINESS CASE

The Committee considered a report which set out options that could be implemented to help reduce instances of engine idling, including the option of adopting legislation which would allow the Council to issue Fixed Penalty Notices (FPNs) against drivers who left their engine idling and refused to turn off their engines when asked to do so by an officer.

It was reported that adopting legislative powers could adversely impact the level of engagement from the public and businesses with council-led promotion/educational campaigns whilst also incurring significant setup and ongoing annual costs that would need to be funded from within the Highways and Transport budget. It was generally agreed that the impact this would have on already limited resources within the Parking Services team would be counter-productive and that the continued promotional/educational campaigns to change driver behaviours was the most preferable option to tackle engine idling. Cllr Chadwick requested that officers continue to engage with local schools to encourage the development of a positive engine idling policy for parents. Officers committed to providing more detailed information of both the Engine Idling Air Quality Campaign and the 'Show the Air you Care' website hits.

The Committee were pleased to learn that the results of a survey completed by Civil Enforcement Officers in September 2022 showed less idling occurred outside schools when compared with 2020 and that the number of Air Quality Management Areas had reduced across the borough, suggesting that educational campaigns had been effective and progressively changing driver behaviours.

RESOLVED (by majority):

That the Highways and Transport Committee

1. Agree to continue internal and external promotional / educational public information campaigns in accordance with the findings of the Feasibility Study (Appendix A).
2. Agree to set aside the opportunity to adopt additional legislative powers under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, at this time due to costs for adopting legislative powers (Appendix B) and potential adverse impact on education/ promotional campaigns.
3. Note that air quality across the whole borough is reported annually, in accordance with the Council's statutory responsibilities and that, should evidence indicate a need, the opportunity for engine idling fixed penalties can be reviewed as part of that process.

9 LOCAL BUS SUPPORT CRITERIA - CONSULTATION OUTCOMES

The Committee noted a report which provided an update on the results of the public consultation which sought the views of residents and stakeholders on proposals to update the local bus support criteria. It was noted that the consultation was launched on 26 June 2023 for a six-week period and that 995 responses had been received.

It was reported that, in summary, there had been broad agreement to the introduction of three new criteria's (contribution to carbon reduction, bus provision in areas of deprivation and post COVID patronage recovery), which reflected issues of increased importance and relevance since the criteria-based approach was adopted in 2011. The Committee were pleased to hear that the proposed revised criteria was supported by local residents.

The Committee also received an update on the BSIP / BSIP+ funding allocated to Cheshire East from the Department for Transport. It was noted that for 2023-24 Cheshire East received an allocation of £1,187,596. The Committee considered the proposed apportionment of funding for the six proposed initiatives as set out within paragraph 24 of the report, which had been developed in consultation with members of the Enhanced Partnership Board.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Approve the proposed new bus support criteria included at Appendix 1 as a basis for prioritising the Council's revenue expenditure on local bus services.
2. Approve the proposals for spending the Council's first allocation of BSIP+ funding for the current financial year (2023/24) and delegate the authority to spend the funding to the Director of Infrastructure and Highways, in consultation with the Enhanced Partnership Board. The projects delivered through this initial programme will inform the development of future programmes across the borough.
3. Note that future year programmes for BSIP / BSIP+ funding are still to be finalised and will be reported to Committee in due course. A briefing will be provided for the Committee upon publication of DfT's updated guidance for 2024/25, to ensure members have opportunity to guide the development of future year's programmes.

10 **SECOND FINANCIAL REVIEW 2023/24 (HIGHWAYS AND TRANSPORT COMMITTEE)**

The Committee received the report which provided the second review of the Cheshire East Council forecast outturn for the financial year 2023/24. Committee Members were asked to consider the serious financial challenges being experienced and recognise the core activities being undertaken to minimise the impact on services.

Members noted the difficult financial pressures facing the Council and that the Highways and Infrastructure Service had a £1.2m pressure against a net budget of £11.1m. It was reported that £1.6m of this pressure was attributed to a reduction in income generation from parking services. It was highlighted to the Committee that should the £1.2m pressure not be fully mitigated by the end of the financial year, this would roll-over into 2024-25.

The Committee thanked Tom Moody and his team for all their efforts in seeking to mitigate the growing financial pressures facing the service. Cllr Crane also encouraged all Committee Members to join the cross-group campaign for additional funding from Central Government to enable the Council to provide key services to residents.

RESOLVED:

That the Highways and Transport Committee

1. Consider the report of the Finance Sub Committee: Finance Sub-Committee, 2nd November, 2023.
2. Consider the factors leading to a forecast adverse Net Revenue financial pressure of £1.2m against a revised budget of £11.2m (10.7%).
3. Consider the forecast and further mitigations needing to be identified, aimed at bringing spending back in line with budget.
4. Consider the in-year forecast Capital Spending of £70.3m against an approved MTFs budget of £63.9m.
5. Scrutinise the contents of Annex 1 and Appendix 6 and note that any financial mitigation decisions requiring approval will be made in line with relevant delegations.

11 **MEDIUM TERM FINANCIAL STRATEGY CONSULTATION 2024/25 - 2027/28 (HIGHWAYS AND TRANSPORT COMMITTEE)**

The Committee received the report which set out the indicative financial envelope for the Committee to support consultation on the development of the Cheshire East Medium-Term Financial Strategy 2024/25 to 2027/28.

Cllr Chadwick queried the budget for flood risk management and where the funding would come from in the event of any flood incident within the borough. Officers committed to providing a written response however highlighted that an update report on Flood Risk Management would be presented to the Committee in January 2024 and would be an ideal opportunity to discuss this further.

RESOLVED:

That the Highways and Transport Committee

- 1 Note the indicative budget envelope for this committee, as approved at the Finance Sub-Committee on 2 November, as a way of setting financial targets in support of achieving a balanced budget for 2024/25.
- 2 Note that officers will develop further proposals in consultation with Members to enable wider stakeholder consultation prior to approval by Council.
- 3 Note that Committees will be presented with the opportunity to further review financial proposals, designed to achieve a balanced budget, as part of their January cycle of meetings prior to recommendations being made to Council for approval.

Cllr P Coan and Cllr A Gage left the meeting.

12 TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257: PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.32 IN THE TOWN OF CREWE (PART)

The Committee considered a report detailing the investigation to divert part of Public Footpath No. 32 in the Town of Crewe following receipt of an application from a developer. The Committee considered the application and the evidence submitted as set out within the officer report.

The Committee considered that it was necessary to divert part of Public Footpath No. 32 in the Town of Crewe as illustrated on Plan No. TCPA/022, to allow the construction of a new indoor sports facility, gymnasium and associated access, car parking and landscaping works as detailed within the planning reference 23/2182N.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Agree that a public path diversion order be made under section 257 of the Town and Country Planning Act 1990 for part of Public Footpath No. 32 in the Town of Crewe as shown on Plan No. TCPA/022 on the grounds that Cheshire East Borough Council is satisfied that it is necessary to do so in order to enable development to be carried out.
2. Agree that public notice of the making of the Order be given and in the event of there being no objections within the period specified the Order be confirmed in the exercise of the powers conferred on the Council by the said Act.
3. Note that in the event of objections being received, Cheshire East Borough Council be responsible for the conduct of any hearing or Public Inquiry.

**13 WILDLIFE & COUNTRYSIDE ACT 1981, PART III, SECTION 53:
APPLICATION NO. MA/5/264, FOR THE ADDITION OF A RESTRICTED
BYWAY, MILL LANE, RAINOW**

The Committee considered a report detailing the investigation of an application made by Sarah Giller, Clerk and Responsible Financial Officer (RFO) for Rainow Parish Council, to amend the Definitive Map and Statement by adding a restricted byway.

The Committee considered the evidence submitted as set out within the officer report and agreed that it be reasonably alleged that restricted byway rights did, on the balance of probabilities, be shown to subsist along Mill Lane, Rainow.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Agree that a Definitive Map Modification Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 adding a restricted byway along Mill Lane as show on Plan No. WCA/032.
2. Agree that public notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Act.
3. Note that in the event of objections being received, Cheshire East Borough Council be responsible for the conduct of any hearing or Public Inquiry.

**14 WILDLIFE & COUNTRYSIDE ACT 1981, PART III, SECTION 53:
APPLICATION NO.MA/5/227: APPLICATION TO ADD A PUBLIC
FOOTPATH BETWEEN ALDERLEY ROAD AND GROVE STREET,
WILMSLOW**

The Committee considered a report detailing the investigation into an application made by Mr Davenport to amend the Definitive Map and Statement to add a public footpath between Alderley Road and Grove Street, in the town of Wilmslow.

The Committee considered the evidence submitted as outlined within the report and agreed that the documentary evidence considered in this case did not demonstrate the existence of the route. The user evidence investigated and discussed provided insufficient evidence of use by foot over the relevant 20-year period and, in conjunction with the historical evidence, lead to the assertion that footpath rights did not exist.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Agree that a Modification Order not be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to modify the

Definitive Map and Statement to add a footpath as shown between points A and B on Plan No. WCA/035 at Appendix 1.

2. The application be refused on the grounds that there is not any robust evidence to overturn the legal presumption that the Definitive Map and Statement are correct.

15 WILDLIFE & COUNTRYSIDE ACT 1981, PART III, SECTION 53, APPLICATION NO: MA/5/247: APPLICATION FOR THE PART ADDITION OF A BRIDLEWAY AND PART UPGRADING OF PUBLIC FOOTPATH NO: 13, BOLLINGTON TO A PUBLIC BRIDLEWAY

The Committee considered a report detailing the investigation into the application made by Andrea Longden to amend the Definitive Map and Statement to add part of a Public Bridleway and partly upgrade existing Public Footpath no:13 to a Bridleway in the Parish of Bollington thus creating a through public bridleway from Oak Lane to Greenfield Road.

The Committee considered the evidence submitted as outlined within the report and agreed that the balance of user evidence combined with documentary evidence supported the case that a Public Bridleway subsisted along the route between points A-B-C-D as shown on Plan No. WCA/36.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Agree that a Definitive Map Modification be Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 adding a Public Bridleway as shown on Plan No: WCA/36
2. Agree that public notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Act.
3. Note that in the event of objections being received, Cheshire East Borough Council be responsible for the conduct of any hearing or Public Inquiry.

16 HIGHWAYS ACT 1980, SECTION 119: PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 6 (PART) AND PUBLIC BRIDLEWAY NO.1 (PART) IN THE TOWN OF CONGLETON

The Committee considered a report detailing the investigation to divert part of Public Footpath No. 6 and part of Public Bridleway No. 1 in the Town of Congleton following receipt of an application from the landowner.

The Committee considered the evidence submitted as outlined within the report and in accordance with Section 119(1) of the Highways Act 1980, noted it was within the Council's discretion to make an Order if it appeared to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. The Committee agreed that the proposed diversion was in the interests of the landowner.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Agree that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No. 6 and part of Public Bridleway No. 1 in the Town of Congleton by creating a new section of public footpath and bridleway and extinguishing the current sections of footpath and bridleway as illustrated on Plan No. HA/149, on the grounds that it is expedient in the interests of the landowner.
2. Agree that public notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
3. Note that in the event of objections being received, Cheshire East Borough Council be responsible for the conduct of any hearing or Public Inquiry.

17 WORK PROGRAMME

The Committee considered the Work Programme. It was noted that the following items would be added to the Work Programme:

- Draft Crossing Facilities Strategy – consultation response
- National Parking Platform Pilot Project – September 2024.

Councillor Braithwaite also requested that an update on Ward Member Budgets be added to the Work Programme.

RESOLVED:

That the Work Programme be received and noted.

The meeting commenced at 10.00 am and concluded at 12.45 pm

Councillor C Browne (Chair)