

OPEN

**Environment and Communities  
Committee**

**1 February 2024**

**MTFS 91 Green Spaces Maintenance  
Review - Final Proposal**

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**Report of: Tom Shuttleworth, Interim Director Environment and  
Neighbourhoods**

**Report Reference No: EC/24/23-24**

**Ward(s) Affected: ALL**

**Purpose of Report**

1. To update Members on the progress of the implementation of the Cheshire East Green Spaces Maintenance Review following the approval of the Council's Medium Term Financial Strategy 2023-27 (MTFS) at Full Council on 22 February 2023.
2. To update the Committee as to how the Green Spaces Maintenance Review proposal has been amended to reflect that feedback and results of a public consultation on the developed detail, undertaken during October and November 2023.
3. It seeks Committee approval to implement the policy from 1<sup>st</sup> April 2024 whilst having considered and taken due regard to the output of the consultation process.
4. It asks Members to note the requirement to undertake further due diligence and hence future reporting back to Committee on those sites not in the Council's ownership but to continue to be maintained, as set out under Category 2 of the schedule contained at Appendix C.

**Executive Summary**

5. A report was presented to Committee on 28<sup>th</sup> September 2023, with recommendations subsequently approved, which set out all of the key

background context to this matter, now summarised at paragraphs 14 to 26. The key decision made was to undertake a public consultation on the draft Policy and supporting information, which has now happened.

6. The consultation was supported by a draft Policy document and two schedules, sites owned by the Council and those not registered in it's ownership.
7. The consultation ran for 6 weeks between Monday 16th October and Friday 24th November 2023, was widely promoted through the following and invited anyone who wished to respond. The consultation saw circa 1,700 responses which are considered in detail in a Consultation Report contained at Appendix E.
8. A large number of detailed responses were received all of which have been carefully assessed and where appropriate used to inform the final proposals. These responses included those from ANSA as the Council's appointed provider and also the Highways Authority specifically in relation to those sites not registered in the Council's ownership by the Council but which had been identified as potentially required for the safe operation of the public highway.
9. The detail of the final proposals are contained at;
  - Appendix A – Green Spaces Maintenance Policy document
  - Appendix B – Site schedule (sites owned by CEC)
  - Appendix C – Site schedule (sites not registered in the ownership of CEC)
10. It will be necessary to continue due diligence on a now smaller number of sites remaining in category 2 within the site schedule contained at Appendix C. The outcome from this work will be reported back to Committee at the appropriate time.
11. In order for the Council to enable the undertaking and/or enhancement of green spaces maintenance by third parties where it can no longer afford to do so a simple application proforma has been developed. This is contained at Appendix F with the intention that any such agreements are entered into via a delegation contained within this report.

## RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Note the progress made to date in implementing the Green Spaces Maintenance Review included as a specific proposal within the Medium-Term Financial Strategy 2023-27 as approved at Council on 22 February 2023, including the feedback from the recent public consultation exercise.
2. Approve the final details of the proposed Green Spaces Maintenance Policy and associated schedules contained at Appendices A, B and C and their implementation as of 1<sup>st</sup> April 2024.
3. Delegate authority to the Interim Director Environment and Neighbourhoods to take all necessary steps to;
  - a. implement the Green Spaces Maintenance Policy;
  - b. make all consequent changes to service provision and;
  - c. make technical amendments to the implementation of the Green Spaces Maintenance Policy, specifically for those sites contained within the site schedule at Appendix B, as required and to update the Committee on any significant changes at a future meeting.
4. Note the proposal to bring back to future Committee meeting(s) further updates on the continued due diligence around ownership for those sites not registered in Cheshire East Council's ownership, as contained in Category 2 within Appendix C. Where appropriate these reports will seek approvals related to future maintenance proposals for these Category 2 sites, in line with the Policy.
5. Delegate authority to the Head of Environmental Services to enter into agreements with third parties relating to the ongoing and/or enhanced maintenance of green spaces outside that undertaken by Cheshire East Council, as per that application process set out at Appendix F.

## Background

12. A report was presented to the 28<sup>th</sup> September 2023 meeting of the Committee, with recommendations subsequently approved, which set out all of the key background context to this matter, now summarised at paragraphs 14 to 26. The key decision made was to undertake a public

consultation on the draft Policy and supporting information, which has now happened.

13. Maintenance of green spaces has not been reviewed in detail since Cheshire East Council was formed.
14. Benchmarking has been undertaken with a number of other local authorities to understand how their maintenance regimes compare and to shape the offer in Cheshire East. It is clear that the standard for certain sites is considerably higher compared with other comparable Local Authorities in the region.
15. Conversely it is important to note that some green spaces maintenance regimes are driven by the need to adhere to standards, specifically those areas which are used for sport. Hence, the scope for change here is limited.
16. The development of the draft policy and supporting documentation has been guided by the following overarching principles;
  - The need to ensure that the service continues to be affordable in the immediate and longer term;
  - Consistency of standard of maintenance across the same typology of site;
  - Introduction of a hierarchy of amenity values ensuring that the budget available is proportionately directed to the maintenance of those areas which offer the greatest community value;
  - The need to benchmark our own ways of working with comparable organisations and;
  - To ensure that the review is a vehicle for service transformation including investment in technology to drive service improvement and introducing a higher degree of customer interface.
17. The following site typologies are identified with in the policy;
  - Formal Parks & Gardens
  - Outdoor Sport
  - Community Green Infrastructure
  - Urban Open Space
  - Rural Open Space

- Cemeteries, Church Yards & Memorials

18. A set of three zones based on High, Medium and Low were also developed to group standards under specific descriptions and to further refine how individual sites will be maintained.
19. It should be noted that some of the larger Cheshire East sites may have more than one zone due to their multi-faceted uses, which will be established via a bespoke site management plan.
20. There are also a number of sites across the estate which are also inspected from a public safety perspective, particularly around trees and play equipment. The draft Green Spaces Maintenance policy does not propose any changes to these safety critical inspection activities.

#### Accreditations

21. Key parks are currently entered annually in the Green Flag accreditation scheme. It is proposed that this form of accreditation continues and/or is established across sites which have been designated as strategic across the borough, as set out in the Green Spaces Maintenance Policy.

#### Biodiversity

22. The proposed measures will offer a degree of biodiversity enhancement in support of our corporate objectives through changes to the way we currently carry out mowing.
23. In some areas of the borough, the proposals include enhancing areas of no-mow or allowing areas to naturally develop into scrubland as a form of rewilding, which will promote a more diverse habitat structures.

#### Maintained sites – not registered in Council ownership

24. Having undertaken a review a total of 435 sites were confirmed as not in Council ownership but currently being maintained.
25. A set of simple categories were developed to classify these sites as follows;
  - **Category 1** – Maintenance works to continue in accordance with new policy – 3 sites at time of consultation
  - **Category 2** – Maintenance works to continue in accordance with new policy, subject to further investigations on maintenance responsibility and/or funding – 352 sites at time of consultation

- **Category 3** – Maintenance works to cease from April 2024, as Council can demonstrate that it does not have an interest / obligation - at the time of going to consultation this equated to 76 sites in total, with 4 sites identified as requiring transfer to the Highway Authority to undertake maintenance in accordance with their own policies and standards.
26. Following further due diligence post the committees decision and working with the Highway Authority four sites located within the Lawton Way housing estate in the Sandbach Elworth ward were identified as part of the adopted highway. These were;
- Dean Close, near house number 7 (ref: 374288, 361660)
  - Lawton Way, end of Dee Close (ref: 374313, 361564)
  - Lawton Way, entrance to Dean Close (ref: 374325, 361617)
  - Manifold Close, adjacent 1 Dee Close (ref: 374354, 361542)
27. These have subsequently been reclassified as asset type “2 – Highways” and included as Category 1 sites with maintenance to continue in accordance with Highway maintenance standards.

## **Consultation and Engagement**

28. The consultation ran for 6 weeks between Monday 16th October and Friday 24th November 2023.
29. The consultation was widely promoted through the following and invited anyone who wished to respond;
- (a) Emails to All Members, Town and Parish Councils and the relevant Members of Parliament;
  - (b) Individual emails to Members setting out filtered schedules for the sites within their ward;
  - (c) Two all Member briefings held on Thursday 19<sup>th</sup> and Tuesday 24<sup>th</sup> October 2023
  - (d) Attendance at a Cheshire Association of Local Councils (ChALC) briefing on 14<sup>th</sup> November 2023
  - (e) Engagement with Friends of Parks groups
  - (f) Press releases, social media and promotional materials displayed at the Council’s library sites.

- (g) In response to a direct request from the ward Member 200 hard copies were issued to the residents of the Grange (Lawton Way) estate in Sandbach.
30. The consultation received a total of circa 1,700 responses split as follows: 776 survey responses, approximately 700 petition letters related to the Sandbach Elworth Grange Way estate, 131 petition signatures and a further 102 email /letter responses.
31. In summary the following key statistics can be seen;
- The majority of respondents felt that it was important for Cheshire East to have a Green Maintenance Policy (86%) and were in support of increasing biodiversity (62%).
  - The majority of respondents (93%) did not feel well informed on green maintenance activities currently (answering either not very informed or not well informed at all).
  - Respondents were presented with a list of communication tools for the Cheshire East Website and were asked to select which ones they would like to see available. Respondents could select as many that applied. 71% of respondents would like to see published maintenance schedules for each area ward and 68% would like to see a live mapping system which shows when maintenance has or will be undertaken.
32. Feedback was offered relating to specific site typologies sites as follows;
- Formal parks and gardens** - the majority of respondents (62%) supported the retention of the Green Flag accreditation scheme for formal parks and gardens and agreed with the need for bespoke management plans for larger sites (77%). Over 57% of respondents agreed with each of the proposed amenity levels within this typology and around one quarter (23% - 26%) of respondents disagreed.
33. **Outdoor Sports** - around one half of respondents agreed with each of the proposed amenity levels within this typology with 'football' zones receiving the highest levels of agreement (53%) and 'bowls' the lowest (48%). The percentage of respondents disagreeing with the proposed amenity levels for each of the zones was low (11% or lower disagreed).
34. **Community Green Infrastructure** - 45% of respondents agreed with the proposed amenity levels for the 'grass cutting', 'hard surfaces' and 'pond/ water feature' zones under this typology with 'hedges' receiving slightly more agreement (48%). The proposed amenity levels for 'grass



cutting' zones received the highest disagreement (42% stated strongly or tend to disagree).

35. **Urban Open Spaces** - agreement ranged from 42% for 'hard surfaces' to 48% for 'hedgcs' under this typology. Disagreement was highest for 'grass cutting' zones (41% disagreed).
36. **Rural Open Spaces** - response was mixed for this typology with 39% - 44% agreeing with each of the proposed amenity levels and 29% - 40% disagreeing.
37. **Cemeteries, Church Yards and Memorials** - around 40% of respondents (40% - 43%) agreed with each of the proposed amenity levels within this typology. Whereas around one third (31% - 36%) of respondents disagreed.
38. A large number of responses were about specific sites with a volume of requests in the written narrative requesting reclassification, which has been considered in detail in developing the final proposals.
39. Respondents were also asked a series of questions regarding the categorisation of sites not registered in the Council's ownership. Views were split with 36% agreeing, 30% disagreeing and 34% stating neither agree nor disagree or unsure/ don't know about our approach to the categorisation of sites which are not registered in the Councils ownership. Views were also split when asked if they support or oppose our approach to maintenance of those sites in Category 2 (39% supported whereas 29% opposed) and the proposal to cease maintenance on those sites which are definitely not owned by the Council (35% supported whereas 34% opposed).

#### Final Proposal – Policy document

40. An updated Policy document is contained at Appendix A which contains a small number of minor changes, specifically to the frequency of maintenance of some areas.

#### Final Proposal – Schedule of sites owned and maintained

41. An updated schedule of sites owned and maintained by the Council is contained at Appendix B. A summary of the changes is shown at Table 1 (typology) and 2 (amenity level). Sites have been grouped by broad geographical areas, as per the wards indicated.
42. A percentage change has been stated in relation to the number of sites now contained in either that typology or amenity level versus the original number.



43. It can be seen that in general there has been a shift towards sites being maintained to a higher standard either through a revised typology classification and/or a higher amenity level.

*ANSA Environmental Services feedback*

44. ANSA in their capacity as the Council's commissioned service provider for green spaces maintenance have provided feedback which has been considered by the Commissioning team, in developing the final proposals.

		Typology															
		A - Formal Parks & Gardens		B - Outdoor Sport		C - Community Green Space		D - Urban Open Spaces		E - Rural Open Spaces		F - Cemeteries, Churchyards &		G - Inspection Only		Totals (Consult)	Totals (Final)
Area	Wards	Consult	Final	Consult	Final	Consult	Final	Consult	Final	Consult	Final	Consult	Final	Consult	Final		
Alderley Edge	2 wards - Alderley Edge and Chelford	1	1	1	1	2	4	0	2	5	1	0	0	1	1	10	10
Alsager	2 wards - Alsager and Odd Rode	1	2	2	2	2	13	7	20	39	14	0	1	9	8	60	60
Bollington	1 ward - Bollington	1	1	0	0	0	3	1	3	9	5	1	1	4	3	16	16
Congleton	3 wards - Congleton East, Congleton West, Dane Valley	1	1	3	4	3	7	4	27	44	12	0	0	151	155	206	206
Crewe (Inner)	6 wards - Crewe Central, East, North, South, St Barnabas and West	1	3	1	1	9	15	37	103	68	0	0	0	12	6	128	128
Crewe (Outer)	6 wards - Haslington, Leighton, Shavington, Willaston & Rope, Wistaston and Wybunbury	0	0	0	0	2	15	1	27	39	2	0	0	11	9	53	53
Handforth	1 ward - Handforth	0	0	0	0	1	6	9	23	18	0	0	0	8	6	36	35
Knutsford	3 wards - High Legh, Knutsford, Mobberley	1	1	1	1	2	2	8	40	41	8	1	3	5	4	59	59
Macclesfield (Inner)	6 wards - Macclesfield Central, East, Hurdsfield, South, Tytherington and West & Ivy	2	4	4	2	9	16	21	108	92	0	1	2	9	6	138	138
Macclesfield (Outer)	3 wards - Broken Cross and Upton, Gawsworth and Sutton	0	0	0	0	1	14	2	25	43	8	0	0	4	3	50	50
Middlewich	1 ward - Middlewich	1	1	1	1	6	10	4	74	75	0	0	2	5	4	92	92
Nantwich	5 wards - Audlem, Bunbury, Nantwich North and West, Nantwich South and Stapeley and Wrenbury	0	0	3	2	0	10	13	25	25	3	0	0	4	4	45	44
Poynton	3 wards - Disley, Poynton East and Pott Shrigley and Poynton West and Adlington	0	0	4	2	1	15	4	43	54	2	0	1	5	5	68	68
Prestbury	1 ward - Prestbury	0	0	0	0	0	3	2	4	8	3	0	0	0	0	10	10
Sandbach	5 wards - Brereton Rural, Sandbach Elworth, Ettiley Heath and Wheelock, Heath and East and Town wards.	1	1	1	2	4	13	10	53	57	6	0	0	11	9	84	84
Wilmslow	4 wards - Wilmslow Dean Row, East, Lacey Green and West and Chorley	0	0	3	4	4	10	6	38	45	7	1	1	7	6	66	66
No Inspection or Maintenance																0	2
<b>TOTALS</b>		<b>10</b>	<b>15</b>	<b>24</b>	<b>22</b>	<b>46</b>	<b>156</b>	<b>129</b>	<b>615</b>	<b>662</b>	<b>71</b>	<b>4</b>	<b>11</b>	<b>246</b>	<b>229</b>	<b>1121</b>	<b>1121</b>
<b>CHANGE</b>		<b>5</b>		<b>-2</b>		<b>110</b>		<b>486</b>		<b>-591</b>		<b>7</b>		<b>-17</b>			

Table 1: Summary of Site Typologies by Area

		Amenity Level											
		High		Medium		Low		NA		Totals (Consult)	Totals (Final)		
Town	Wards	Consult	Final	Consult	Final	Consult	Final	Consult	Final				
Alderley Edge	2 wards - Alderley Edge and Chelford	1	1	4	8	4	0	1	1	10	10		
Alsager	2 wards - Alsager and Odd Rode	2	1	3	37	46	14	9	8	60	60		
Bollington	1 ward - Bollington	1	2	3	10	8	1	4	3	16	16		
Congleton	3 wards - Congleton East, Congleton West, Dane Valley	3	2	6	38	46	11	151	155	206	206		
Crewe (Inner)	6 wards - Crewe Central, East, North, South, St Barnabas and West	2	3	14	104	100	15	12	6	128	128		
Crewe (Outer)	6 wards - Haslington, Leighton, Shavington, Willaston & Rope, Wistaston and Wybunbury	0	0	2	33	40	11	11	9	53	53		
Handforth	1 ward - Handforth	0	0	6	27	22	2	8	7	36	36		
Knutsford	3 wards - High Legh, Knutsford, Mobberley	2	2	4	42	48	11	5	4	59	59		
Macclesfield (Inner)	6 wards - Macclesfield Central, East, Hurdsfield, South, Tytherington and West & Ivy	4	4	14	96	111	32	9	6	138	138		
Macclesfield (Outer)	3 wards - Broken Cross and Upton, Gawsworth and Sutton	0	0	4	45	42	2	4	3	50	50		
Middlewich	1 ward - Middlewich	2	2	4	58	81	28	5	4	92	92		
Nantwich	5 wards - Audlem, Bunbury, Nantwich North and West, Nantwich South and Stapeley and Wrenbury	2	1	5	30	34	9	4	5	45	45		
Poynton	3 wards - Disley, Poynton East and Pott Shrigley and Poynton West and Adlington	3	2	4	58	56	3	5	5	68	68		
Prestbury	1 ward - Prestbury	0	0	0	9	10	1	0	0	10	10		
Sandbach	5 wards - Brereton Rural, Sandbach Elworth, Ettiley Heath and Wheelock, Heath and East and Town wards.	2	2	7	58	64	15	11	9	84	84		
Wilmslow	4 wards - Wilmslow Dean Row, East, Lacey Green and West and Chorley	2	3	8	50	49	7	7	6	66	66		
<b>TOTALS</b>		<b>26</b>	<b>25</b>	<b>88</b>	<b>703</b>	<b>761</b>	<b>162</b>	<b>246</b>	<b>231</b>	<b>1121</b>	<b>1121</b>		
<b>CHANGE</b>		<b>4</b>		<b>609</b>		<b>-599</b>		<b>-15</b>					

Table 2: Summary of Amenity Levels

Final Proposals – Schedule of sites not registered in the Councils ownership  
(Appendix C)

45. An updated schedule of sites not registered in the Council’s ownership but currently maintained by the Council is contained at Appendix C.
46. A summary of the changes in terms of categorisation, as per that criteria set out at paragraph 25, is included at Table 3.

*Highways Authority feedback*

47. It should be noted that the Highways Authority provided a consultation response specifically against those sites included under the “2 - Highway” asset type within this schedule. Where sites not owned by the Council have been determined to be part of the public highway these are marked as Category 1 and Typology ‘T – Maintained to Highways policies and standards’. A total of 208 sites were confirmed as considered to be required for the safe operation of the public highway.
48. Further information relating to highways maintenance policies and standards can be found at - [Grass verges, cutting and weeds \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)
49. For those sites previously included as Category 2 sites as a “2 - Highway” asset type but now not determined by the Highway Authority to be required as part of the operation of the public highway these have been moved to Category 3, with maintenance to cease after 31<sup>st</sup> March 2024. This is on the basis that these sites having been through a detailed assessment process are neither registered in the ownership of the Council or considered required for the safe operation of the public highway.

Grange Way / Lawton Way Estate, Sandbach Elworth

50. A large number of responses were received from the residents of this particular estate were at the point of consultation a total of 37 plots of green space were proposed to be removed from maintenance regimes. This is on the basis that they are registered in the ownership of a third party, not Cheshire East Council, and have been for some time. There is no documentary evidence to support their continued maintenance as a Cheshire East Council asset or to include them as part of the adopted highway.
51. As mitigation the Council in its capacity as the Highways Authority undertook a review of the various plots to ascertain as to whether any of these plots could in fact be required for the safe operation of the highway. It should be stressed at this point that this is based on professional judgement rather than a documented evidence based

assessment, undertaken in order to reach a pragmatic position with their future maintenance.

52. Whilst the review by the Highways Authority has identified a small number of plots which have visibility splays running partially across them, and which will be maintained in accordance with the relevant highway standards on an ad hoc basis, the fundamental position around ownership has not changed. As such the plots in question are proposed to be retained under Category 3, with the ceasing of maintenance from 1<sup>st</sup> April 2024.
53. As a mitigation to this position officers have engaged with Sandbach Town Council providing costs for the future maintenance of these plots. It is understood that the Town Council has also made provisions, within its 2024-25 budget, for potential additional green space maintenance, subject to understanding the outcomes of this Review. It is also understood that a proposal for Sandbach Town Council to fund continued maintenance to the Lawton Way Estate will be considered at a meeting later in 2024.

Asset Type	General Description	No. of Sites by Category							
		1		2		3		Totals	
		Consult	Final	Consult	Final	Consult	Final	Consult	Final
Churchyards, Cemeteries & Graveyards	Includes open and closed sites, some transferred to CEC and sites where tree maintenance is undertaken	2	2	13	13	0	0	15	15
Highways Land	land considered to be needed as part of adopted highway, detrunked areas and those areas acquired specifically for highway schemes	0	208	207	0	37	41	244	249
Housing Estate Land	Includes land in ownership of Council, third parties and social housing providers	0	0	54	54	41	36	95	90
Cenotaphs / Memorials	Land is not maintained for Council as a land owner. Relevant Act gives all councils powers to maintain, but this is discretionary.	0	0	5	5	0	0	5	5
Open Green Space	Expanses of green space which do not fall under any other category	0	0	52	52	2	2	54	54
Other Land	Miscellaneous plots such as car parks, village halls and the like	1	1	21	21	0	0	22	22
<b>Totals</b>		<b>3</b>	<b>211</b>	<b>352</b>	<b>145</b>	<b>80</b>	<b>79</b>	<b>435</b>	<b>435</b>

Table 3: Summary of change of Categorisation

## Third Party Green Space Maintenance

54. Through the consultation process a number of third parties have come forward and expressed an interest in delivering their own green spaces enhancement or maintenance works either in lieu of or in addition to those which Cheshire East Council would now deliver under this policy.
55. It is expected that as the policy is implemented that the interest from third parties in undertaking their own maintenance works will increase, placing a further burden on the Council's Green Spaces team. It is therefore necessary to consider at this stage how best to enable this for the benefit of all parties and ensuring any process is as streamlined as possible.
56. There are a number of existing routes available notably;
  - **Community Asset Transfer** – where the green space is permanently transferred to a third party typically a Town or Parish Council. This process places all of the liability on the third party to undertake all future inspection and maintenance of the asset in question. This process is established on the Council's website and is administered by the Estates team. [Asset transfers \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)
  - **Highways license to plant** – where third parties may wish to undertake planting within the extents of the adopted highway. This process is administered by Cheshire East Highways.
57. In addition to the above and considering the feedback received from the consultation it has also been necessary to consider the development and introduction of a streamlined licensing process. This has been designed to enable third parties to submit an application to the Council to undertake a limited scope of maintenance work to land which it owns.
58. The template proforma is contained at Appendix F to this report and has been the subject of legal and property team scrutiny. It is designed to be reviewed at regular intervals (minimum 12 months) with the onus on the third party to ensure that all relevant permissions, insurances and the like are valid and in place for the full duration.
59. This approach to enabling works by third parties to enhance maintenance of the Council's green spaces is subject to a recommendation to delegate to officers the ability to enter into these agreements.
60. It is important to note that none of the above permissions can therefore be given for any sites which are not registered in the Council's ownership.

## Reasons for Recommendations

61. The proposal supports Open and enabling objective of the Corporate Plan, delivering the priority set out to:
- (a) Support a sustainable financial future for the council, through service development, improvement and transformation.
62. The proposed measures will offer a degree of biodiversity enhancement in support of our corporate objectives through changes to the way we currently carry out mowing. Mowing less regularly would promote the growth of grass and clover flowering structures for the benefit of pollinating insects.

## Other Options Considered

63. The following options appraisal outlines the other options considered in more detail:

Option	Impact	Risk
The Committee resolving to not adopt the policy	The Committee would need to identify alternative savings / income to deliver the required income target of ££598,000.	The Council cannot deliver a balanced budget.
Continuing to maintain sites – not registered in Council ownership	The council would continue to spend resources on servicing areas that it is not legally responsible for.	The Council cannot deliver a balanced budget.  Maintenance of these areas could infer liability (incorrectly) to the council for land it does not own.

Table 2: Summary of alternative options considered

## Implications and Comments

### *Monitoring Officer/Legal*

64. The Council should ensure that it maintains land where it has a statutory duty to do so.
65. The Council should ensure that any decisions it makes are reasonable, proportionate and take all considerations into account when reaching the decision.



66. Following the consultation process the decision makers must give clear and conscientious consideration to the responses received to the consultation will need to take account of the views expressed in arriving at their decision.
67. Under the Local Government Finance Act 1992 the Council has a duty to set a balanced budget for each financial year. The Council identified within its Medium-Term Financial Strategy 2023-27 savings that it could make to its budget and the proposals within this report align to those savings identified.
68. The Council has a fiduciary duty at all times to the taxpayers and must fulfil its duty in a way that is accountable to local people. The Local Government Act 2003 allows a Council to charge for its discretionary services that it provides, provided that the charges do not exceed the costs of providing the service, the Council are therefore able to charge third parties any costs associated with the maintenance of land.

#### *Section 151 Officer/Finance*

69. The maintenance of green spaces across parks, public open space, many playing pitches and the like delivered by ANSA is funded through the agreed Annual Management Fee. This budget is held and managed by the Environmental Services team as lead commissioner for these services.
70. The current budget forecast (excluding savings proposals) for 2023/24 equates to circa £2.93m.
71. The total budget saving identified within the MTFS is £598k split as follows;
  - £398k in 2023/24 and £200k in 2024/25

It is understood that ANSA have now identified a series of measures in order to achieve these savings on a permanent basis.

72. In order to bring forward this service transformation and specifically the investment in technology to automate maintenance scheduling and reporting there is a need for capital investment. This has an estimated cost of £100k which is already included in the capital programme.
73. The preferred software system has been identified and subject to the committee's decision will then be used to optimise the operational delivery of the ongoing green spaces maintenance regimes.
74. Ongoing revenue costs associated with maintaining any new software and technology systems will be funded by ANSA.

Policy

75. The proposal supports the following [Corporate Plan](#) priorities.

<b>An open and enabling organisation</b>  <i>Priority: Support a sustainable financial future for the council, through service development, improvement and transformation</i>	<b>A council which empowers and cares about people</b>  <i>Priority: Work together with our residents and our partners to support people and communities to be strong and resilient.</i>  All services to be developed together with our residents and communities.	<b>A thriving and sustainable place</b>  <i>Priorities;</i>  <i>Reduce impact on the environment</i>  <i>Be a carbon neutral council by 2025</i>
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76. The authority sets out in its corporate plan to improve and increase biodiversity and natural habitats across the borough by increasing the number of rewilded areas within our parks and open spaces as part of the authorities overall Green aspiration to be “a thriving and sustainable place.”

*Equality, Diversity and Inclusion*

77. A full Equality Impact Assessment has been undertaken and updated with the feedback from the public consultation. This is contained at Appendix D to this report.

78. In summary the following should be noted; The response to the consultation undertaken included comments from some contributors over accessibility for Disability and Pregnancy & Maternity groups. These are addressed by classifying maintenance frequencies based on the level of amenity and typologies of the site which have been extensively reviewed in developing the final proposals. Larger sites will be zoned to maintain amenity and accessibility to key areas.

### *Human Resources*

79. There are no direct implications for the Council in terms of human resources.
80. The proposals will have human resources implications within ANSA as the Councils appointed contractor. Trade Union and staff consultations have been delivered and these operational changes will continue to be led by ANSA.

### *Risk Management*

81. Table 4 sets out an overview of key project risks and their mitigation actions.

<b>Risk</b>	<b>Mitigating Actions</b>
Adverse public reaction to changes in maintenance regimes <b>Post implementation</b>	<p>Undertake comprehensive public engagement on the adopted policy including Member and Town and Parish Council briefings.</p> <p>Ensure robust and proactive communications campaign included in project plan to be implemented in advance of and across initial stages of new maintenance regime.</p> <p>Ensure adequate resource is in place to deal with customer correspondence as a result of changes.</p>

Table 4: Summary of key risks and proposed mitigations

### *Rural Communities*

82. Maintenance levels will vary according to site typologies and zones. Rural open space and cemeteries are likely to see a reduced standard of maintenance compared to urban spaces which see a greater level of amenity value and usage under these proposals. This has been designed to carefully reflect the more naturalised environment in rural settings.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

83. The proposals will protect sports and amenity spaces whilst increasing opportunities for children and young people to experience nature in their locality.

*Public Health*

84. The proposals will standardise and protect maintenance to the likes of designated sports pitches and urban amenity spaces such as play areas to promote physical and wellbeing activities. This is likely to have *a positive, overall impact on the health and wellbeing of Cheshire East residents particularly for those who live in urban areas with less access to countryside.*

85.

*Climate Change*

86. The proposals are likely to help the council to reduce its carbon footprint with less use of currently diesel mowers equipment and vehicles.
87. The opportunities for increased biodiversity, tree and shrub planting will also off set carbon and assist in achieving the Councils objectives related to climate change mitigation, particularly in urban areas through providing more shading and greater surface water retention in our green spaces.

<b>Access to Information</b>	
Contact Officer:	Ralph Kemp, Head of Environmental Services <a href="mailto:Ralph.kemp@cheshireeast.gov.uk">Ralph.kemp@cheshireeast.gov.uk</a>
Appendices:	<p>Appendix A - Green Spaces Maintenance Policy (final for approval)</p> <p>Appendix B – Green Spaces Maintenance Schedule – sites registered in Council ownership (final for approval)</p> <p>Appendix C – Green Spaces Maintenance Schedule – sites not registered in Council ownership (final for approval)</p> <p>Appendix D - Equality Impact Assessment (post consultation)</p> <p>Appendix E – Consultation Report</p> <p>Appendix F – template green spaces maintenance request (third party)</p>
Background Papers:	<p><a href="#">Cheshire East Corporate Plan 2021-2025 - Pdf (browsealoud.com)</a></p> <p><a href="#">Medium Term Financial Strategy 2023-2027 - Pdf (browsealoud.com)</a> Environment and Communities Committee Policy proposals p92</p>