

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Highways and Transport Committee**
held on Thursday, 21st November, 2024 in the The Capesthorne Room -
Town Hall, Macclesfield SK10 1EA

PRESENT

Councillor M Goldsmith (Chair)
Councillor L Crane (Vice-Chair)

Councillors L Braithwaite, C Browne, A Burton, R Chadwick, P Coan, A Coiley,
H Faddes, A Gage, C Hilliard, M Muldoon and M Sewart

OFFICERS IN ATTENDANCE

Mark Greenhough, Public Path Orders Officer
Adele Mayer, Definitive Map Officer
Tom Moody, Director of Transport, and Infrastructure
Nicola Lewis-Smith, Public Rights of Way Manager
Steve Reading, Principal Accountant
Lorraine Rushton, Parking Services Manager
Mandy Withington, Solicitor
Karen Shuker, Democratic Services Officer

37 APOLOGIES FOR ABSENCE

There were no apologies for absence.

38 DECLARATIONS OF INTEREST

No declarations of interest were made.

39 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 19 September 2024 be approved
as a correct record.

40 PUBLIC SPEAKING/OPEN SESSION

Mr P Johnson, representing Cheshire Tree Alliance addressed the
Committee in relation to agenda item 10 – Work Programme, in respect of
the Tree Planting and Verge Maintenance Policy which was listed for the
January 2025 meeting. Mr Johnson asked for an explanation as to the
reason why the work programme was at odds with a statement, he had
received from the Council which stated that it would not be conducting a
review of the policy, and it was unable to advise when this would be
undertaken.

Mr Johnson stated that the Cheshire Tree Alliance and other stakeholders, including Woodland Trust and Mersey Forest were developing a pilot planting scheme across Green Spaces in Lacey Green, Wilmslow and that they sought a positive, open, partnership approach with all stakeholders, including Cheshire East Council.

In response the Chair stated that the Council was keen to promote quality green spaces and ensuring the right trees are planted in the right location. The Council does not have funding available to plant new trees on verges, however it was aware of the approach from the Cheshire Tree Alliance, who proposed to use external funding to plant trees in public open space, including on highways land. The Council welcomed the proposals and wanted to work closely with the group to deliver that proposal as quickly and as fully as possible.

The collaboration would provide an opportunity to consider appropriate tree locations, the most suitable tree species, and how best to care for the saplings until they became established. It would provide real examples of how the current Council policy operated, highlight the need for any improvements, and inform officers on how best to make any necessary changes.

Although this approach would speed up tree planting and avoid the time and cost to the Council of a full policy review, it would mean that a date for when the revised policy would come before the committee could not be confirmed at present.

41 SECOND FINANCIAL REVIEW OF 2024/25 (HIGHWAYS AND TRANSPORT COMMITTEE)

The Committee considered a report which provided the current forecast outturn for the financial year 2024/25 based on the Council's income, expenditure and known commitments as at the end of August 2024. The report also identified actions that were being taken to address adverse variances to urgently address financial sustainability. The Second Financial review forecast revenue outturn was forecasting an adverse variance of £20.1m. This was before the application of any exceptional financial support.

Highways & Infrastructure were forecasting an underspend of £0.6m against a net budget of £16m. The key reasons for the underspend were due to vacancy management and increased income.

An exercise was being undertaken to review the capital programme and schemes were being reprofiled where possible to make them more affordable.

RESOLVED (Unanimously):

That the Highways and Transport Committee

1. note the factors leading to a forecast adverse Net Revenue financial pressure of £20.1m against a revised budget of £395.4m (5.1%) and note the contents of Annex 1, Section 2 of the report on the progress of the delivery of the MTFS approved budget policy change items, the RAG ratings and latest forecasts and the actions to be taken to address any adverse variances from the approved budget.
2. note the in-year forecast capital spending of £157.7m against an approved MTFS budget of £215.8m due to slippage that has been re-profiled into future years.
3. note the available reserves position as per Annex 1, Section 5 of the report.
4. Approve the Supplementary Capital Estimate above £500,000 up to and including £1,000,000 as per Annex 1, Section 4, Table 4 of the report.

42 MEDIUM TERM FINANCIAL STRATEGY UPDATE 2025/26 - 2028/29 (HIGHWAYS & TRANSPORT COMMITTEE)

The Committee received the report which set out progress and further development activity required before the final MTFS 2025-29 would be presented for approval to the budget setting meeting of Council in February 2025.

RESOLVED:

That the Highways and Transport Committee

1. note the progress to date on the development of the MTFS for 2025-29.
2. note that officers will continue to challenge draft proposals and develop further proposals in consultation with Members prior to approval by Council.
3. note that Committees will be presented with the opportunity to review the full set of 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.

43 NATIONAL PARKING PLATFORM (NPP) & MOBILE PAYMENT APP FOR PARKING PAYMENTS

The Committee received an update on the progress and opportunities that arise from development of the National Parking Platform (NPP). The NPP was intended to transform payment for car parking by creating a joined-up market that was simple to use.

The Council joined the NPP pilot expansion project which in turn meant that the council incorporated current national parking platform evidential learning in practices into any future car park charging strategy.

The Council was an associate member which meant that it could keep up to date with any of the changes with the NPP. Until the 'platform' was fully proven and ready for wider adoption the Council wished to retain its associate membership of the NPP. When the NPP had a fully functional offer, the council would review the benefits of full membership.

Members were informed that the commission charge was under full control of the parking operator and not the Council for anyone who signed up to the NPP. In addition, there may also be transactional processing charges for the Council that would be in the region of £23,000 or two pence per transaction added on to the normal convenience fee, added on to the parking charge for the actual service user themselves.

The Council already had a very keenly priced mobile payment solution through Ringo. Ringo were already signed up to the NPP, but the Council had a convenience fee set for its motorists at 7 pence whereas with the NPP the Council did not get to set the end limit that the user had to pay and that could be anything from 10 pence to 25 pence over and above the parking fee.

Members agreed that maintaining associate membership showed the Council's intent while allowing for a cautious approach until the NPP was fully functional.

RESOLVED: That the Highways and Transport Committee

1. Note the contents of the report in particular the choice to retain associate membership of the National Parking Platform (NPP) until the 'platform' is fully proven and ready for wider adoption. When the NPP has a fully functional offer, the council will review the benefits of full membership.
2. Note that the parking service will complete procurement of a best value mobile payment app solution (payment option) to ensure continuity of services and offer a competitive facility to service users.

3. Note that further updates to keep Committee advised on future developments will be circulated by the Members Hub.

44 APPLICATION MA-5-246 FOR AN ORDER TO ADD A FOOTPATH BETWEEN MARKET STREET (A6) AND THE COMMUNITY CENTRE CAR PARK, DISLEY

The Committee considered a report which outlined the consideration of an application, reference MA-5- 246 (“the Application”) made in 2010 by the Disley Parish Council under the provisions of schedule 14 of the Wildlife and Countryside Act 1981 (the “1981 Act”). The application sought to add a public footpath to the Definitive Map and Statement of Public Rights of Way (the “DM”). The route commenced on Market Road (A6) leading to the boundary of land owned by Cheshire East Borough Council (“CEC”) and currently used as the Disley Community Centre Car Park.

The committee considered the application and evidence as set out within the officer report.

RESOLVED: (Unanimously)

That the Highways and Transport Committee

1. Refuse the Application MA-5-246 on the basis that public rights are already recognised over the route shown between points A and B on plan WCA/047
2. Agree that a “Legal Event” Modification Order be made under section 53 (2) (a) of the 1981 Act

45 PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.7 (PART) IN THE PARISH OF BUERTON

The Committee considered a report which outlined the investigation to divert part of Public Footpath No. 7 (part) in the Parish of Buerton.

It was noted that the following legal tests which had been considered had been omitted from the report.

In accordance with Section 119(1) of the Highways Act 1980 it was within the Council’s discretion to make the Order if it appeared to the Council 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 Public Path Orders Officer had been in regular correspondence with the landowner over the last 14 months to establish the permission to have the diversion route on their land. This had involved regular emails and a site meeting to establish the precise route of the path and the width. The landowners expressed a wish to provide a diversion to allow the local community and the wider public the opportunity to continue to walk in and

enjoy the local environment but at the same time, wanted to continue to use the field as part of the farm business plan. It was considered that it was expedient to divert the footpath in the interests of the public.

Section 119 (2) of the 1980 Act also stipulates that a public path diversion order shall not alter the point of termination of the path if that point was not on a highway, or, where it was on a highway, otherwise than to another point which was on the same highway, or a highway connected with it, and which was substantially as convenient to the public. The proposed diversion would connect the existing part of Buerton FP No. 7 from point A on the attached plan within the report, to Buerton FP No, 29 at Point B. The length of the proposed route was 94 meters. The proposed diversion was considered, as convenient as the current route.

Where there were no outstanding objections, it was for the Council to determine whether to confirm the Order.

Where objections to the making of an Order were made and not withdrawn, the Order would fall to be confirmed by the Secretary of State.

In considering whether or not to confirm the Order, the Secretary of State where the Order was opposed, or the Council where the Order was unopposed, must be satisfied under the provisions of Section 119 (6) of the 1980 Act that the path or way was not substantially less convenient as a consequence of the diversion having regard to the effect of the following 3 points:

1 What impact the diversion had on the public enjoyment of the path as a whole. It was considered that the diversion would provide a connected network where a natural event had made the current route impassable. However, the diverted route would still be close to the brook and would be as enjoyable as the current path if it were available.

2 What effect that the coming into operation of the Order would have as respects other land served by the existing public right of way. This had been considered and there were no impacts.

3 What effect that any new public right of way created by the Order would have as respects the land over which the rights were so created and any land held with it. This had been considered and there were no additional impacts.

In confirming an Order the Secretary of State where the Order was opposed, or the Council where the Order was unopposed, would also have regard to any material provision of the Rights of Way Improvement Plan prepared by the local highway authority and the effect of the path or way on the needs of agriculture, forestry and biodiversity.

The Committee considered the application and evidence as set out within the officer report. The Committee agreed 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.7 (part) in the Parish of Buerton by creating a new section of public footpath and extinguishing the current path as illustrated on plan no. HA/155 within the report on the grounds that it was expedient in the interests of the public.

RESOLVED: (Unanimously)

That the Highways & Transport Committee

1. Agree that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980, to divert part of Public Footpath No.7 in the Parish of Buerton as illustrated on plan no. HA/155 within the report on the grounds that it is expedient in the interests of the public.

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.

46 **WORK PROGRAMME**

The Committee considered the work programme. The following changes were noted:

The following items had been added to the work programme: -

- Highways Service Contract Improvement Action Plan.
- Local Transport Plan - Vision and Objectives.
- Middlewich Eastern Bypass - Authority to Enter into Construction Contract.
- Greater Bollin Trail and A556 Bowden Active Travel Link.

The following items had been deferred: -

- Flowerpot Junction Improvement Scheme
- Tree Planting and Verge Maintenance – collaboration would be undertaken with interested groups to understand any issues and would come back to Committee once it had been reviewed.
- Lane Rental Scheme – officers were developing an outline network and proposals for the scheme and would conduct a detailed evaluation on the impact of the council. It was agreed that a briefing would be arranged to update members.

RESOLVED:

That the work programme be noted.

The meeting commenced at 10.00 am and concluded at 10.50 am

Councillor M Goldsmith (Chair)