

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Highways and Transport Committee**
held on Thursday, 4th April, 2024 in the The Capesthorpe Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors C Browne, R Chadwick, P Coan, A Coiley, H Faddes, A Gage,
C Hilliard, H Moss, M Sewart, J Snowball and B Drake (substitutue for Cllr
Braithwaite)

OFFICERS IN ATTENDANCE

Tom Moody, Director of Highways and Infrastructure
Hayley Kirkham, Head of Crewe High Growth City
Domenic De Bechi, Head of Highways
Richard Hibbert, Head of Strategic Transport and Parking
Chris Hindle, Head of Infrastructure
Genni Butler, Countryside Access Development Manager
Clare Hibbert, Definitive Map Officer
John Lindsay, Definitive Map Officer
Adele Mayer, Definitive Map Officer
Steve Reading, Principal Accountant
Mandy Withington, Solicitor
Nikki Bishop, Democratic Services Officer
Karen Shuker, Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Braithwaite and J Priest.
Councillors J Snowball and B Drake were present as substitutes.

2 DECLARATIONS OF INTEREST

In the interests of openness and transparency, (in relation to agenda item 12)
Councillor Coan confirmed that he had met with the landowner of Windmill Wood
in his capacity as Mayor of Knutsford and would therefore not participate in the
debate on this item.

3 MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the meetings held on Thursday 25 January 2024 and
Tuesday 30 January 2024 be approved as a correct record and signed by the
Chair.

4 PUBLIC SPEAKING/OPEN SESSION

Ms E Roddy addressed the committee in relation to agenda item 5, Bus Service Review and highlighted the negative impact that changes to the 14/14a bus routes had on the local community, particularly those disabled residents who relied heavily on bus services to attend medical appointments. Ms Roddy requested that consideration was given to allowing one number 14 bus to extend its route by half a mile to Lyme Green and providing an extra bus in the hour between the 14a buses resulting in an hourly service as previously provided.

A written statement was read out by the Chair, on behalf of Mr B Chaplin (South Knutsford Residents Group), who was unable to attend the meeting. The statement related to agenda item 12 and was in support of the modification proposed within the officer report. Mr Chaplin's statement highlighted that residents felt that the path had been unequivocally established and hoped that the local authority and landowners could work together to seek charitable/grant funding to meet costs that largely fell to the landowner.

Mr S Sheikh addressed the committee in relation to agenda item 12, on behalf of the landowner of Windmill Wood. It was stated that detailed representations had been made after the publication of the officer report which therefore did not take into consideration the legal and evidential implications. It was stated that there was no documentary evidence supporting the route being a public footpath however there was evidence from independent sources of clear signage in the wood during the 20-year period and that trespassers had been challenged during that period.

Ms C Jones addressed the committee in relation to agenda item 5 and highlighted that she welcomed the review of bus services and asked that connections to local hospitals was taken into consideration as a key priority. Ms Jones highlighted the impact for Nantwich residents who often had to travel via 2 buses to attend appointments at Leighton Hospital. Ms Jones also extended an invitation to committee members and officers to attend the Crewe and District Bus Users Group AGM on Thursday 18 April. Officers agreed to share details of the meeting with the committee/officers.

5 BUS SERVICE REVIEW 2024

The committee considered the report which set out proposals for a strategic bus service review of the council's support for local bus services and also provided an update on the Bus Service Improvement Plan (BSIP). It was noted that the council spent £2.5m supporting bus services which were not commercially viable but deemed important and socially necessary. The review of bus services would seek to identify opportunities to improve services to deliver better value for money.

Cllr Lata Anderson addressed the committee as a visiting member and spoke in support of the proposed review. Cllr Anderson highlighted the importance of consulting with the public on services, particularly in relation to Sunday use in order to understand barriers to improving services. Cllr Anderson requested that the consultation be made available to those who did not have online access and suggested that posters be located at bus stops and shared with Town and Parish Councils to display on noticeboards.

Councillor Anna Burton addressed the committee as a visiting member and spoke in support of the review. Cllr Burton highlighted the impact that the lack of local bus services had on residents in Nantwich, particularly those travelling to appointments at Leighton Hospital. Cllr Burton asked that consideration be given to introducing a direct service for residents as soon as possible.

The committee welcomed the report and thanked officers for their work to date. The committee agreed that a key priority of the review should be to ensure direct routes for residents from towns to local hospitals. It was requested that forms were accessible for all individuals (younger individuals/vulnerable/disabled) to ensure thorough consultation. Officers agreed to share the draft BSIP with the committee prior to submission to the Department for Transport.

RESOLVED (unanimously):

That the Highways and Transport Committee

1. Agree a review of the supported bus network commencing in April 2024.
2. Approve the objectives and methodology (Appendix 1) for undertaking the bus service review and delegate to the Director of Highways and Infrastructure the provision to make all necessary arrangements to complete the bus service review.
3. Approve the proposed approach to stakeholder and public consultation in line with the Consultation and Engagement Plan at Appendix 2 and Communications Plan at Appendix 4.
4. Delegate authority to the Director of Highways and Infrastructure to prepare the BSIP refresh in consultation with the Enhanced Partnership Board and submit a draft to DfT by their deadline of 12 June 2024. Noting that a further report to Highways and Transport Committee will follow in June 2024 seeking endorsement of this updated document.
5. Note that a report will be provided to Highways and Transport Committee in November 2024 setting out the recommendations for the supported bus network in Cheshire East.

6 A500 CREWE CORRIDOR

The committee considered the report which set out proposals to update the Outline Business Case for the A500 Dualling Scheme in response to the government's cancellation of HS2.

Cllr Janet Clowes addressed the committee as a visiting member and raised a number of questions in relation to S106 monies, active travel, rural communities, risk management and spending obligations. Officers committed to providing a written response.

The committee noted that the scheme was still considered financially viable and was included in the approved MTFs. Members queried the % used to calculate future inflation. Officers committed to providing a written response but confirmed that this % had been calculated in line with national predictions. It was noted that an updated Outline Business Case would be added onto the Work Programme in approx. 18months time for the committee to consider.

RESOLVED (by majority):

That the Highways and Transport Committee

1. Authorise the Director of Highways and Infrastructure to:
 - a. Take all steps necessary to prepare an Updated Outline Business Case for a redefined A500 Scheme to produce a fundable scheme to be brought to a future meeting of the committee for approval for submission to the Department for Transport. (Appendix 2 is a non-exhaustive list of the types of work that will be required)
 - b. Appoint a contractor through the SCAPE Framework to provide a scheme design and delivery feasibility report for any new elements of the updated scheme and to continue to develop those elements of the original scheme that remain.

2. Authorise the Head of Estates to:
 - a. Where land negotiations for the full A500 Dualling scheme are advanced, to continue to seek to acquire the land and rights required, by agreement, to support the delivery of the updated scheme objectives and so that the full scheme could be implemented at a future time, should funding be made available, and to instruct the Director of Governance and Compliance to negotiate and enter into any agreement necessary to complete such acquisitions.
 - b. Recommend that Full Council approve a Supplementary Capital Estimate for £2.435m, to a new capital scheme in the MTFs titled 'A500 Corridor OBC Update' that is fully funded by the DfT to provide funding for the preparation of the Outline Business Case Update for a revised scheme. This forms a change to the MTFs approved at Council on 27 February 2024.
 - c. Recommend to the Chair of the Finance Sub Committee and the S.151 Officer that expenditure be approved from the existing A500 scheme budget on the following:
 - i. Completion of the purchase of land, by agreement, that will also be necessary for any redefined scheme, or to support the future implementation of the full dualling, should funds become available.
 - ii. Costs of "mothballing" the existing A500 scheme in terms of meeting existing commitments, finishing pieces of work, paying outstanding fees, etc

which is estimated at up to £2m (£1m in 2024/25 and £1m in 2025/26) and is included in the MTFs approved by Council on 27 February 2024 as a scheme requiring further approval before further expenditure.

3. Authorise the Director of Governance and Compliance to:
 - a. Withdraw :
 - i. the sealed and made Compulsory Purchase Order known as “The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) Compulsory Purchase Order 2023” and,
 - ii. (b)the sealed and made Side Roads Order known as “The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2023”.both made on 4 July 2023.
 - b. Undertake all necessary and appropriate notification processes to inform all affected landowners (as named in the schedule to the CPO and as notified of the SRO), Statutory Undertakers and the National Casework Team at the Department for Transport of the formal withdrawal of the Orders.

7 FINALISING DEVELOPMENT OF A LANE RENTAL SCHEME

The committee considered the report which set out the process for finalising the development and implementation of a lane rental scheme (LRS) for Cheshire East, noting that a final proposal would be considered by the committee prior to an application being made to the Secretary of State.

Councillor Janet Clowes addressed the committee as a visiting member. Cllr Clowes welcomed the report however highlighted her disappointment at the length of time it had taken for this to be progressed. Cllr Clowes stated that income generated from fines could be reinvested into the service and asked if officers had completed the national consultation on upgrading and refining the LRS, a consultation which closed in March 2024. Officers committed to providing a written response.

The committee welcomed the report however queried the length of time it would take for a LRS to be developed. It was confirmed that the 7-month period would include both a full evaluation and consultation prior to submission to the Secretary of State. It was noted that implementation of the scheme to cycle lanes would be developed in line with national/DfT guidance which was not currently available.

RESOLVED (unanimously):

That the Highways and Transport Committee agree delegation to the Director of Highways and Infrastructure to

1. Finalise development of a Lane Rental Scheme proposal.
2. Conduct consultation upon the proposed scheme; and
3. Present the proposed scheme (as developed following consultation) to the Highways and Transport Committee for approval prior to its application to the Secretary of State.

8 WARD MEMBER BUDGET SCHEME UPDATE

The committee considered the report which provided an update on the operation of the Ward Member Budget Scheme during its first year of operation (2023-24).

Some concerns were raised in relation to the proposal to reduce the annual allocation per elected member to £4,512 as it was felt that, when used correctly, the Ward Member Budget Scheme supported savings from the revenue budget. It was confirmed that the council did not have a sufficient capital programme budget to maintain the highway asset and therefore any increase to the annual allocation would result in a reduction of capital funding from other programmes within the service, the majority of which were safety focussed. It was confirmed that members could aggregate their annual allocation, and/or combine this with another ward members allocation for schemes that crossed local ward boundaries.

Members asked that a guidance document be developed which provided an overview of the types of works that could be funded within the annual allocation with examples of cost estimates.

RESOLVED (by majority):

That the Highways and Transport Committee

1. Note the progress made on the operation of the Ward Member Budget Scheme during its first year of operation during 2023-24 and the ongoing work being undertaken with local ward members to identify works and deliver on these across the network.
2. Note the proposed steps being taken as set out within the report to improve the overall scheme delivery.
3. Approve, for the 2024-25 financial year, the annual allocation per elected member of £4,512.
4. Agree that all Members are provided with a quarterly electronic update on the scheme by the Highways service.

The meeting adjourned for a short break at 11.46 and reconvened at 11.55am.

Councillor P Coan left the meeting and did not return.

9 APPLICATION NO. MA/5/222 APPLICATION FOR THE ADDITION OF A BRIDLEWAY BETWEEN MOSS LANE AND NEWTON HALL LANE, MOBBERLEY ALSO KNOWN AS GRAVEYARD LANE

The committee considered the report which detailed the investigation into a 2003 application made by Alderley Edge, Wilmslow and District Footpaths Preservation Society to modify the Definitive Map and Statement of Public Rights of Way by the addition of a Bridleway over the route between Newton Hall Lane and Moss Lane. The Committee considered the application and the evidence submitted as set out within the officer report.

The Committee considered that, on the balance of probabilities, that there was strong evidence that Bridleway rights had been acquired.

RESOLVED (by majority):

That the Highways and Transport Committee

1. Agree that an Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a Bridleway between Newton Hall Lane and Moss Lane, Mobberley as shown between points A-B on Plan No. WCA/34.
2. Agree that public notice of the making of the Order be given and, in the event of there being no objections within the specified period, or any objections received being withdrawn, the Order be confirmed in exercise of the power conferred on the Council by the said Act.
3. Agree that, in the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

10 APPLICATION NO. CN/7/34: APPLICATIONS FOR THE UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATHS 21 AND 22 BUERTON AND IN SHROPSHIRE, APPLICATION 251 FOR THE ADDITION OF A BRIDLEWAY IN SHROPSHIRE

The committee considered the report which detailed an investigation into two applications made by the British Horse Society to Cheshire East Council and Shropshire County Council to upgrade two Public Footpaths (Nos. 21 and 22) in the Parish of Buerton to bridleway, and to add a bridleway to the Definitive Map and Statement in Shropshire. The committee considered the application and evidence as set out within the officer report.

The committee agreed that, on the balance of probabilities, that higher rights could not be demonstrated.

RESOLVED (by majority):

That the Highways and Transport Committee

1. Agree the application for the upgrade to bridleway of Public Footpath Nos. 21 and 22 Buerton is to be refused on the grounds that it cannot be demonstrated that higher rights subsist.
2. Propose that Shropshire County Council enter into a dedication agreement to modify the Definitive Map and Statement for Shropshire by adding a Footpath between the county boundary and Audlem Road, Woore as shown between points C and D on Plan No. WCA/33.

11 WILDLIFE & COUNTRYSIDE ACT 1981 -PART III, SECTION 53, APPLICATION NO: MA/5/248: APPLICATION FOR THE ADDITION OF A PUBLIC RESTRICTED BYWAY / BYWAY OPEN TO ALL TRAFFIC ALONG TEGGSNOSE LANE, NR MACCLESFIELD

The committee considered the report which detailed an investigation into an application made by Mr C Eagles to amend the Definitive Map and Statement to add a Public Restricted Byway / Byway Open to All Traffic between Buxton Old Road along Teggsnose Lane to join existing Public Footpaths Nos. 4 and 5 near Teggsnose Farm and also a second connecting route to the east of Teggsnose Lane to join existing Public Footpath No. 3. The committee considered the application and evidence as set out within the officer report.

The committee agreed that, on the balance of probabilities, public footpath rights had been acquired.

RESOLVED (by majority):

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 Public Footpath as shown on Plan No WCA/343/039.
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.

12 WILDLIFE & COUNTRYSIDE ACT 1981 - PART III, SECTION 53, APPLICATION NO. MA/5/256: APPLICATION FOR THE ADDITION OF A PUBLIC FOOTPATH FROM THE EAST END OF EXISTING PUBLIC FOOTPATH NO. 6 NEAR TOFT CHURCH TO JOIN PUBLIC FOOTPATH NO. 4 IN WINDMILL WOOD IN THE PARISH OF TOFT

The committee considered the report which detailed an investigation made by Mr B Chaplin (representing South Knutsford Residents' Group) to amend the Definitive Map and Statement to add a Public Footpath between existing Public Footpath No. 6 near Toft Church to join existing Public Footpath No. 4 in

Windmill Wood. The committee considered the application and evidence as set out within the officer report. It was noted that recommendations set out within the officer report had been supported by local ward members.

The committee agreed that on the balance of probabilities it could be reasonably alleged that public footpath rights subsist.

RESOLVED (by majority):

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 Public Footpath as shown on Plan No. WCA/037.
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 WORK PROGRAMME

The committee considered the Work Programme. It was noted that:

- Tree Planting and Verge Maintenance Policy had been moved to the November 2024 committee meeting.
- Street Lighting Energy Savings Proposal decision paper had been removed from the Work Programme.

It was also noted that as a result of approval at today's meeting, the following items would be added to the Work Programme in due course:

- Updated A500 Crewe Corridor Business Case
- Bus Service Review – recommendations
- Lane Rental Scheme – proposals.

Members discussed the recommendation arising from a recent Corporate Policy Committee for Service Committees to arrange one twilight meeting during the course of the municipal year. It was agreed by a majority that the June 2024 meeting would be held at 6pm.

The meeting commenced at 10.00 am and concluded at 12.40 pm

Councillor M Goldsmith (Chair)

