

# Cabinet Member for Finance Agenda

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<b>Date:</b>	<b>Monday, 29th July, 2013</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Committee Suite 1 &amp; 2, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

## **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

### **1. Apologies for Absence**

### **2. Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

### **3. Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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For requests for further information

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4. **Proposed Cycle Track Order - Crewe Public Footpaths No's 3 (part) and 36**  
(Pages 1 - 6)

To consider upgrading the status of the cycle track on a public footpath on land in the town of Crewe.

## **CHESHIRE EAST COUNCIL**

### **Cabinet Member for Finance**

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**Date of Meeting:** 29<sup>th</sup> July 2013  
**Report of:** Kevin Melling, Head of Environmental Protection and Enhancement  
**Subject/Title:** Cycle Tracks Act 1984 Proposed Cycle Tracks Order, Crewe Public Footpaths Nos. 3 (part) and 36

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#### **1.0 Report Summary**

- 1.1 This report presents a proposal to upgrade to the status of cycle track a public footpath which lies partly on Cheshire East Council owned land in the town of Crewe.

#### **2.0 Recommendation**

- 2.1 That approval be given to progress a Cycle Tracks Order, for the routes as illustrated on Plan No. CTA/001, to be put before the Public Rights of Way Committee for decision.

#### **3.0 Reasons for Recommendation**

- 3.1 Under Section 3 of the Cycle Tracks Act 1984, a local highway authority has the power to make a Cycle Tracks Order to convert a public footpath into a cycle track.
- 3.2 Crewe Local Area Partnership Highways sub-group and Sustrans, the sustainable transport charity behind the National Cycle Network, have put forward the proposal to convert two lengths of public footpath for use by cyclists. This suggestion was logged during consultation for the Council's statutory Rights of Way Improvement Plan (ref. T37).
- 3.3 The proposal would enable cyclists to use the routes as traffic-free cycle tracks to travel to and from the town centre, and would permit the promotion of the routes to the public.
- 3.4 The decision to undertake a Cycle Tracks Order is taken by the Public Rights of Way Committee under the Council's Constitution.
- 3.5 The proposal is to upgrade the status of a public footpath which lies partly on Cheshire East Council land and therefore the approval of the Cabinet Member, as Portfolio Holder for the Asset Management Service, is also required, in advance of the matter being presented to the Public Rights of Way Committee.

## **4.0 Wards Affected**

4.1 Crewe East Ward.

## **5.0 Local Ward Members**

5.1 Councillor Martin, Councillor Newton and Councillor Thorley.

## **6.0 Policy Implications including - Climate change - Health**

- 6.1 The proposal supports the following policies and initiatives of the Cheshire East Rights of Way Improvement Plan 2011-2026:
- Policy H3: Public rights of way and green infrastructure: Protect and enhance our public rights of way and green infrastructure and endeavour to create new links where beneficial for health, safety or access to green spaces. Initiative: 'Leisure routes for cyclists, horse riders and walkers'
  - Policy H2: Promotion of active travel and healthy activities: Work in partnership to promote walking, cycling and horse riding as active travel options and healthy activities. Initiative 'Public information on the public rights of way network'
- 6.2 The development of cycling routes for local residents and visitors alike is aligned with the health and wellbeing objectives and priorities of the Council as stated in the Business Plan 2012/2015, in particular Priority 5 Ensure a Sustainable Future and Priority 7 Drive out the causes of poor health, and the Council's commitment to the Change4Life initiative.

## **7.0 Financial Implications**

- 7.1 An estimated £12k investment would enable the surface of the routes to be brought up to standard for cycling and for destination signage to be installed. It is intended that an allocation would be made from the Local Transport Plan Walking and Cycling capital budget 2014-15 for this purpose.
- 7.2 The land is partly owned by Network Rail. Under Section 3 of the Cycle Tracks Act 1984, the landowner (or other party with an interest in the land) is entitled to claim compensation for any reduction in the value their interest in the land affected by a Cycle Track Order. The Asset Management Service of the Council has assessed the case and concluded that there is expected to be no diminution in value of the interest of Network Rail in the land in question, and therefore no or negligible compensation would be payable in the event of a claim.
- 7.3 Likewise, part of the route is on land which is unregistered and for which the landowner is unknown. It is anticipated that, again, there is expected

to be no diminution in value of the land in question, and therefore no or negligible compensation would be payable in the event of a claim.

7.4 Following a Cycle Track Order, the cycle tracks would appear on the List of Streets, thus being maintainable at the public expense, as they are at present as public rights of way.

7.5 No additional maintenance costs over and above those already incurred on the route are anticipated as a result of the proposal.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 Under Section 3 of the Cycle Tracks Act 1984, a local highway authority has the power to make a Cycle Tracks Order to convert a public footpath into a cycle track.

8.2 There is a statutory right for objection to a Cycle Tracks Order. If objections are not withdrawn, the matter would be referred to the Secretary of State for determination.

## **9.0 Risk Management**

9.1 The risks of this proposal are outlined in the sections of this report relating to financial and legal implications.

## **10.0 Background and Options**

10.1 This proposal relates to two public footpaths in Crewe, running between Hungerford Road, Coleridge Way and Sydney Road. At present, cyclists do not have a right to use these public footpaths, yet they are currently used by some cyclists as the routes offer connections between the town centre and communities at the edge of the town and in the villages beyond. For this reason local groups have put forward the suggestion of upgrading the status of these routes so that they can be promoted as forming part of the cycle network of the town which is being enhanced through investment from the Local Sustainable Transport Fund amongst other sources.

10.2 The footpaths proposed to be designated as cycle tracks are:-

that length of public footpath No. 3 situated in Crewe which extends from Manchester Bridge on Hungerford Road (UY3059) OS grid reference SJ 7126 5570 in a northwesterly and then westerly direction for a distance of approximately 440m to Coleridge Way (UY301) at OS grid reference SJ 7153 5596; and,

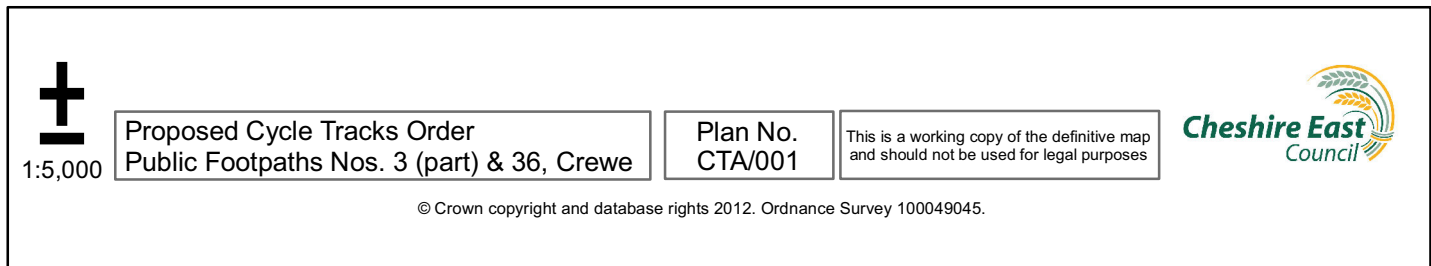
that length of public footpath No. 36 which runs from the above described public footpath No. 3 in Crewe at OS grid reference SJ 7133 5591 in a northwesterly direction for a distance of approximately 760m to Sydney Road (C528) at OS grid reference SJ 7165 5662.

- 10.3 The paths are generally wide and straight with clear sight lines and no segregation would be proposed between pedestrians and cyclists. The path alongside the railway line offers a tarmac surface of approximately 2m width with grass verges either side for most of its length. At the northern end of this path there are bollards before the road and at the southern end it is proposed to install a similar arrangement. The path between that alongside the railway and Coleridge Way runs between fences and narrows at its eastern end to approximately 1.5m, terminating with a barrier before the road. A safety audit would be undertaken at the time of commissioning the proposed works.
- 10.4 It is planned that destination cycle signage would be installed should the proposal go ahead and that the Ordnance Survey be requested to show the routes as traffic-free cycle routes on their mapping. The routes could also be shown on future revisions of the Crewe cycle map and internet based route planning resources.
- 10.5 The proposal affects a section of land which is owned by Cheshire East Borough Council. The Asset Management Service have assessed the impact of the proposal on the land held by the Council as nil, as it appears there will be no diminution in value of the interest of the Council.
- 10.6 The proposal affects a section of land which is owned by Network Rail. Network Rail has given permission for the proposed upgrade, provided that future surface improvements and maintenance are undertaken at the cost of the Council.
- 10.7 The proposal also affects a section of land which is unregistered and for which the landowner is not known. This section of land is a surfaced alleyway between the rear extents of domestic gardens. Notices would be placed on site to advise those with an interest in the land of the proposal.
- 10.8 Colleagues in the Asset Management Service, Countryside Development, Parks Development and Streetscape have been consulted and are supportive of the proposal.
- 10.9 The decision to undertake a Cycle Tracks Order would be taken by the Public Rights of Way Committee in line with the Constitution. In advance of this, the Town Council, local Ward Members, statutory consultees and disabled users groups would be consulted.

### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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