

CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting:	18March 2014
Report of:	Public Rights of Way Manager
Subject/Title:	Cycle Tracks Act 1984 Proposed Cycle Tracks Order: Crewe Footpaths Nos. 3 (part) and 36

1.0 Report Summary

- 1.1 The report describes a proposal to change the legal status of lengths of public footpath in Crewe to cycle track, so that the route can be used by, and promoted to, cyclists.

2.0 Recommendations

- 2.1 That an Order be made under Section 3 of the Cycle Tracks Act 1984 to convert to cycle track those lengths of public footpath between points A-B-D, as illustrated on Plan No. LGA/001.
- 2.2 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.
- 2.3 That, in the event of objections to the Order being received and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

3.0 Reasons for Recommendations

- 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 the sustainable transport charity Sustrans have put forward the proposal to convert lengths of public footpath for use by cyclists.
- 3.3 The proposal would enable cyclists to use the route as a traffic-free cycle track to travel to and from the town centre, as some already do, and would permit the promotion of the route to such users through signage and mapping.

4.0 Wards Affected

- 4.1 Crewe East Ward.

5.0 Local Ward Members

- 5.1 Councillors M Martin, D Newton and C Thorley.

6.0 Policy Implications

- 6.1 The proposal supports the following policies and initiatives of the Cheshire East Local Transport Plan and 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'
 - Policy C8: Work with stakeholders to improve facilities for cycling so that it is attractive for shorter journeys.
- 6.2 The proposal would be supportive of the aims of the Local Sustainable Transport Fund project through which improvements and the promotion of 'Smarter Ways to Travel' are being delivered under the All Change for Crewe strategy.
- 6.3 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 route 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. A developer contribution is also being pursued via a section 106 agreement.
- 7.2 Following an Order, the cycle track would appear on the List of Streets, thus being maintainable at the public expense, the same as at present under the status of public rights of way.

- 7.3 No additional maintenance costs over and above those already incurred on the route are anticipated as a result of the proposal.
- 7.4 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.
- 7.5 Part of the land is in the ownership of Cheshire East Council. The Asset Management Service have assessed the impact of the proposal on the land held by the Council as nil, as the land is already set out, used and recorded as a public footpath, and as such there would be no diminution in value of the interest of the Council. A Portfolio Holder decision was taken on 29th July 2013 in support of the proposal.
- 7.6 Part of the land is in the ownership of Network Rail. Network Rail has given permission for the proposed conversion, provided that future surface improvements and maintenance are undertaken at the cost of the Council. Further, 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.

8.0 Legal Implications

- 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 be made to a Cycle Tracks Order. If objections are not withdrawn, the matter would have to be referred to the Secretary of State for determination. If there are no objections the Council can confirm the Order.

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 There are two lengths of public footpaths in Crewe, running between Hungerford Road, Coleridge Way and Sydney Road, as shown between points A-B-C-D on the Plan No. CTA/001. At present, cyclists do not have a right to use these public footpaths, yet the routes would offer connections between the town centre and communities at the edge of the town and in the villages beyond, and are in fact already used for that purpose. For this reason, the suggestion of upgrading these routes has been put forward so that they can be promoted as forming part of the cycle

network. The aspiration has been longstanding and was most recently put forward by the Crewe Local Area Partnership Highways sub-group and the sustainable transport charity Sustrans and registered under the Rights of Way Improvement Plan (Ref. T37).

- 10.2 An informal consultation was undertaken on this basis, the results of which are detailed below.
- 10.3 Following a Safety Assessment undertaken by Cheshire East Highways, it is recommended that the proposal to convert to cycle track be applied only to the route which runs between Hungerford Road and Sydney Road (between points A-B-D on the Plan No. CTA/001), which offers the straighter and wider route. The spur leading from this route to Coleridge Way (between points B-C) is considered to have insufficient width to promote as a shared use pedestrian/cyclist path.
- 10.4 Therefore, the lengths of public footpaths proposed to be designated as cycle tracks are as follows, and as shown on Plan No. LGA/001:-
 - a) 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 (point A on the Plan No. LGA/001) in a northwesterly direction for a distance of approximately 224m to public footpath No. 36 in Crewe at OS grid reference SJ 7133 5591 (point B on the Plan No. LGA/001); and,
 - b) 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 (point B on the Plan No. LGA/001) in a northwesterly direction for a distance of approximately 760m to Sydney Road (C528) at OS grid reference SJ 7165 5662 (point C on the Plan No. LGA/001).
- 10.5 The route is generally wide and straight with clear sight lines and no segregation would be proposed between pedestrians and cyclists. The route 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 would be proposed to install a similar arrangement.
- 10.6 It would be proposed that blue cycle signage be installed and that the Ordnance Survey be requested to show the route as a traffic-free cycle route on their mapping. The route would also be shown on future revisions of the Crewe cycle map.

Safety Assessment

- 10.7 A Safety Assessment has been undertaken by Cheshire East Highways. The report contained the following statements (in italics) relating to the route it is proposed to convert, between points A-B-D on the Plan No.

CTA/001. The statements are followed by the comments of the Traffic and Road Safety Team:

- a) *It was noted that both footpaths varied in width between 2.5 and 3.5m as a result of vertical features, such as overgrowing vegetation and / or property fences. One of the main design considerations is the space needed for a cyclist in which to feel safe and comfortable. This is particularly important when passing vertical features such as fences, bushes etc. Therefore, any proposals should, where there is no segregation between pedestrians and cyclists, allow for as a minimum, a 3.0 metre footpath / cycle track width. However, a reduced width could be considered appropriate in areas with few cyclists or pedestrians. In all cases where a cycle track or footway is bounded by a vertical feature such as a wall, railings or kerb, an additional width allowance should be made (minimum 0.5m, as the very edge of the path cannot be used). Trees and bushes should be either cut back or removed to allow the minimum footpath / cycle track widths to be achieved.*

- It is proposed that vegetation at the sides of the proposed route be cut back to provide as much width as possible. No further action required.

- b) *The general condition of the footpath at various locations along both proposed routes is poor, uneven and worn which would benefit from being re-surfaced. The type and quality of surface affects the comfort and attractiveness of a route and the whole life costs of the scheme. An initially high capital cost for a good quality specification may minimise maintenance and repair costs over the long term.*

- It is proposed that particular areas of the surface of the route (between points B and D on the Plan No. CTA/001) be resurfaced, where identified to be a possible safety issue.

- c) *It is not known whether tactile paving is to be installed on either of the footpaths / cycle tracks. Tactile paving surfaces can be used to convey important information to visually impaired pedestrians about their environment. On cycle routes, they are applied where tracks meet footways / footpaths and at intervals along some shared use routes. Designers should ensure appropriate tactile paving is installed on both cycle paths.*

- Tactile paving will be installed as per the guidance in Local Transport Note 2/08 - the corduroy surface is used to warn visually impaired pedestrians of the presence of specific hazards. In the cycling context, it should only be used as a warning that a footway or footpath is about to join a shared route on the cyclists' side.

- d) *Due to the locations of the proposed cycle tracks, it is considered these tracks may not be well used outside peak commuting times after dark, therefore it is not expected that the routes would be lit except where there were road safety concerns, and at crossings. Therefore, the design must ensure that a street lighting assessment is undertaken where the route joins Coleridge Way, Sydney Road and the A532 and if required, appropriate street lighting installed.*

- Street lighting already is in place where the route joins Sydney Road and Hungerford Road and this will be assessed to ensure adequacy.

- e) *Consideration should be given to installing cyclist warning signs at locations where the cycle track joins the highway to warn motorists of cyclists crossing the highway. Good inter-visibility between vehicles on the main road and cyclists on the track is essential to enable drivers to judge the speed and positioning of cyclists.*

- It is proposed that signage be installed to warn cyclists, motorists and pedestrians of the shared use route.

- f) *It was noted that there were no dropped kerbs opposite the footpath when exiting onto Sydney Road. Appropriate footway / cycle way provision should be installed during detail design. Where cycle routes cross roads with speed limits above 30 mph or where vehicle flows are high, it can be difficult to find an adequate gap in the traffic to cross the carriageway in one movement. A central refuge allows crossing to be undertaken in two easier movements, but the arrangement needs to be carefully designed to avoid the refuge creating pinch points that can disadvantage cyclists using the carriageway. In addition, consideration should be given to providing an Advance Stop Line (ASL) on the westbound approach to the traffic signals on Sydney Road and new cycle facilities installed to allow cyclists to exit Sydney Road at the traffic signals and enter the proposed cycle track. This will require the vegetation to be removed / cut back on the north east corner of the proposed footpath and a suitable surface, markings and signing installed.*

- Cyclists are not encouraged to use the footway on Sydney Road and therefore dropped kerbs are not required. ASLs and a feeder lane on Sydney Road will be assessed in detail and installed if reasonably practicable.

- g) *It is not known what road markings / signs are to be installed as part of the proposed measures, particularly at crossing locations. The simplest form of cycle crossing is where a track meets the road at a dropped kerb. Where it is clear to cyclists approaching the crossing that they are about to meet a road, consideration should be given to adding markings (and possibly signs) indicating the presence of junctions and that it is a shared route. Signing and cycleway markings*

should be reviewed and where appropriate, specified as part of the detail design process.

- Signage and markings to be installed as per current National Guidelines.

Informal consultations

- 10.8 The land is partly 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. A Portfolio Holder decision was taken on 29th July 2013 in support of the proposal.
- 10.9 The land is partly owned by Network Rail. Network Rail has given permission for the proposed conversion, provided that future surface improvements and maintenance are undertaken at the cost of the Council.
- 10.10 Notices have been placed on site and consultations have been undertaken with statutory consultees and local groups including:-
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| Adjacent residents | Cheshire Constabulary |
| Crewe Town Council | Ward Members |
| Local Area Partnership | Statutory undertakers |
| The Ramblers | Sustrans |
| Crewe Active Travel | Living Streets |
| Cheshire East Local Access Forum | |
| Local disabled groups: | Senior Voice, IRIS Vision Resource Centre, Disability Resource Exchange |
| National disabled groups: | Joint Committee on Mobility for the Disabled, RNIB, Action for Blind People, Joint Committee on Mobility of Blind and Partially Sighted People |
| Cheshire East Highways, Parks Development, Streetscape | |
- 10.11 Responses received in support of the proposal are as follows:
- a) Councillor Thorley responded to say “you have my full support for A, B, C and D”.
 - b) *“I am writing to say how pleased I am with the 3 and 36 footpath proposals. As a teacher at Hungerford Primary I think this will encourage more children to cycle to school, especially with the cut through to Coleridge Way. I would not recommend that any child cycles along Earle St in its current state so a way round that will be invaluable. A recent study of 20,000 pupils in Denmark proved that children who cycle to school do much better in academic tests than those who get driven.”* (Local primary school teacher)
 - c) *“I welcome [the] proposed cycle lanes and look forward to [their]*

development. I believe the proposals are a suitable step to take.”
(Unknown location)

- d) *“It seems like a sensible idea to make the pathways along the railway track from Earle St/Hungerford Rd to Sydney Bridge/Coleridge Way legally available to cyclists. However I do wish they would fit and use bells to warn walkers to their coming. I walk to work along the path and am frequently buzzed by cyclists. One or two do use bells but they are in the minority. I also sometimes cycle into town and the poor provision of cycle paths getting around the town is an obvious reason for cyclists using footpaths. I tried to get to Morrisons from Sydney and ended up walking my bike part of the way as it was safer than trying to use the road. It's great [that] new road[s] have cycle paths but I appreciate the high number of rail bridges around the town mean they couldn't easily be widened to allow for combined foot and cycle paths. However that is where there is a need for creative solutions.”* (Unknown location)

10.12 Others responded with negative views of the proposal:

- a) *“I write to you to object to the proposal to upgrade public footpaths Nos.3 and 36 to cycle paths. These footpaths are used twice a day during the school term by pupils attending various local schools including Hungerford Road Primary School and Nursery School. Also the paths are too narrow to allow pedestrians to avoid speeding cyclists (and many do travel at high speed). The path between points B and C is particularly narrow with hardly enough space for pedestrians to pass. You point out in your consultation document that cyclists already use this route illegally. This is true and many of them ride aggressively and with no consideration for other users. Why are the Police not prosecuting these offenders? I appreciate that the decision has probably already been made as in the present climate it seems cyclists get every consideration and pedestrians barely exist, but I hope my objections will be taken into account.”* (Adjacent resident)

- b) *“I oppose completely the proposed Cycle Track Order...The path shown as B-C is definitely not wide enough to be used by both cyclists and pedestrians, which...narrows to 1.5m at its eastern end.*

I do not believe that it is possible to convert only 'part' of the path for example A-B-D as cyclists would assume that the path B-C would be for their use as well, even with signage.

Suggesting that there would be no segregation, if approved, between cyclists and pedestrians is extremely dangerous, given the speed that the cyclists travel on these footpaths.” (Adjacent resident)

- c) *"The footpath running from the railway line to Coleridge Way has drainage issues and in the winter can often be under at least 6 inches of water, run off from the school playing fields and Bennett Close housing estate. This will be hazardous to cyclists and needs to be considered as the drainage will need to be rectified.*

Towards Coleridge Way the path is extremely narrow and I would suggest less than the 1.5m ... stated ... Signage for cyclists needs to be clear that they must give way to pedestrians as I have seen many a near miss on school children and cyclists often weave around pushchairs etc.

Lighting, is there any plan to add any lighting?" (Adjacent resident)

Cheshire East Highways commented to say that the route is not now, and will not be on the list for gritting, and there are no proposals to light any of the sections of the routes.

- d) A local Crewe resident who is registered blind rang to explain his concerns and those of his wife, who is also registered blind, regarding the proposal: the couple walk regularly down the footpaths and exercise their guide dogs on the route. They have experienced discourteous behaviour from cyclists in other shared use cycle tracks in the town, including being sworn at, pushed out of the way and hit by a cyclist. They are concerned that this behaviour would be demonstrated on the routes on which the conversion to cycle track is proposed, particularly at night when cyclists travel without lights and when vision for partially sighted people is most limited. The resident stated that he would expect to be injured or his guide dog be injured should the proposal be taken forward. The residents are also concerned that cyclists would, having ridden along the proposed route, continue their journey on footways (pavements) on which it is an offence to cycle. The resident added that other dog walkers had commented to him that they would have nowhere in the vicinity to exercise their dogs should the proposal be taken forward. (Local resident)

10.13 The comments received which express objection to the proposals outlined in the consultation documents relate mainly, though not exclusively, to the section of path between points B-C on the Plan No. CTA/001. These concerns echo the points raised in the Safety Assessment and give further support to the recommendation that the proposal to convert to cycle track should not be applied to the spur leading from the railway line to Coleridge Way (between points B-C on the Plan No. CTA/001). It is considered that the width and sightlines available on the route between Hungerford Road and Sydney Road (points A-B-D on the Plan No. CTA/001) be adequate for the path to be used as a shared use route.

11.0 Access to Information

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

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