

CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting:	13 th June 2016
Report of:	Public Rights of Way Manager
Subject/Title:	Public Inquiry to Determine Cycle Tracks Act 1984 The Cheshire East Borough Council (Crewe Footpath Nos. 3 (part) and 11 (also known as Footpath No. 36)) Cycle Tracks Order 2014

1.0 Report Summary

- 1.1 This report is an informative item to brief members on a recent public inquiry and the outcome.

2.0 Recommendation

- 2.1 No decision is required by Committee.

3.0 Reasons for Recommendations

- 3.1 N/A

4.0 Wards Affected

- 4.1 Crewe East

5.0 Local Ward Members

- 5.1 Councillor Brookfield, Councillor Chapman and Councillor Newton.

6.0 Policy Implications

- 6.1 Not Applicable

7.0 Financial Implications

- 7.1 Not Applicable

8.0 Legal Implications

- 8.1 Not Applicable

9.0 Risk Management

9.1 Not Applicable

10.0 Background and Options

- 10.1 The Council had been aware of a long-held aspiration of local cyclists and the sustainable transport charity Sustrans to permit cycling along certain paths on which the public has rights of access on foot only at present, although the paths are already used by cyclists.
- 10.2 Under the Cycle Tracks Act 1984, the Council has the power to make an order to designate a footpath as a cycle track, over which the public has a right of way on pedal cycles and a right of way on foot.
- 10.3 On 18th March 2014 a paper titled “Cycle Tracks Act 1984 Proposed Cycle Tracks Order: Crewe Footpaths Nos. 3 (part) and 36” was presented to the Public Rights of Way Committee, detailing the background to the proposal, the legal context and the consultation results. The Committee resolved that:
“(1) An Order be made under Section 3 of the Cycle Track Act 1984 to convert to cycle track those lengths of public footpath between points A-B-D, as illustrated on Plan No.CTA/001”.
- 10.4 Following the decision of the Committee, on 11th December 2014 an order was made, entitled “The Cheshire East Borough Council (Crewe Footpath Nos. 3 (part) and 11 (also known as Footpath No. 36)) Cycle Tracks Order 2014”. The advertising of the Order, as required in Regulation 4 of the Cycle Tracks Regulations 1984, was undertaken.
- 10.5 Public notice of the Order attracted three objections, one of which was withdrawn. The grounds of the sustained objections were:
- concern that the expense was unjustified;
 - concern that a cycle track would diminish unfairly the facilities available to pedestrians;
 - concern regarding the lack of demarcation between pedestrians and cyclists; and,
 - concern regarding the lack of lighting along the route.
- 10.6 As two objections were sustained, the case was submitted to the Department for Transport National Casework team in May 2015. The case was assessed and a date for a public inquiry set. Proofs of Evidence were submitted to the Department for Transport National Casework team. The Council’s Proofs of Evidence comprised two parts: the legal process witness statement of Genni Butler, Countryside Access Development Officer, Cheshire East Council; and, the technical input witness statement of David Wilkinson, Principal Consultant, Jacobs.
- 10.7 The inquiry was held on 19th January 2016 at Municipal Buildings, Crewe, with the appointed Inspector, Mike Moore. The Council was represented by Alistair Mills of Counsel, who called Genni Butler, (Countryside Access Development

Officer) and David Wilkinson (Transport Planning Principal Consultant, Jacobs). The objectors represented themselves. Ben Wye (Chair of Governors, Hungerford Primary School) also spoke in support of the Order.

10.8 Following the inquiry, the Inspector issued a report to the Secretary of State for Transport. The report stated that:

- *"the expense is justified and the facilities for pedestrians would not be unfairly diminished"*
- *"lighting along the route is not essential and the cost would not be justified";*
- *"Having regard to the technical guidance available as to the appropriate circumstances for shared use a non-segregated facility is justified"; and,*
- *"Having regard also to the low level of usage and the way in which technical guidance should be applied in the context of local circumstances, I am satisfied that the width of the route is acceptable."*

10.9 The Inspector recommended that the Order be confirmed, and the report concluded that:

"Overall, I conclude that none of the factors put forward in opposition to the Order are of such significance, individually or in combination, that they would amount to reasons not to confirm the Order."

10.10 The Secretary of State then considered this recommendation and confirmed the Order on 29th February 2016. The Council is now required to give public notice of this decision.

11.0 Access to Information

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

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