

Rural Community Council of Essex

Great Waltham Cycling Village Initiative –

main proposal: conversion of a public footpath for use by cyclists

Advice note



December 2008

Contents

1 Introduction	3
2 Overview	3
3 Barriers to cycling	3
4 Using public footpaths as cycle routes	4
5 Surfaces	4
6 Lighting	5
7 Access controls	5
8 Involving the landowner and dealing with objections	6
9 Traffic restraint measures	7
Appendix 1 – core principles of good cycling infrastructure	8
Appendix 2 – converting footpaths - legal situation	9
Appendix 3 – making the case for a footpath conversion	10

1 Introduction

Essex Rural Community Council has sought advice from Cycling England on a project proposal to deliver a cycle route between Great Waltham via Broads Green to the outskirts of Chelmsford.

The proposed route comprises a combination of lightly trafficked rural lanes and the use of an existing public right of way (Footpath).

The link will provide a route that caters for local utility trips, particularly journeys to the secondary school (Chelmer Valley High High), to the hospital and for longer journeys to and from Chelmsford.

The route is approximately one mile in length in total.

Also included in the project are 'softer' measures aimed at supporting the new link and raising cycle-awareness generally in order to make the most of the improved link.

Rob Marshall (from the Transport Initiatives Consultancy) is the Cycling England Local Authority Advice Team member who has prepared this note for the Essex Rural Community Council.

2 Overview

The Cycling Village initiative has to be welcomed. The initiative's potential to facilitate every-day 'utility' type cycling trips appears high, given that the proposed core route element serves two large local trip generators – a hospital and a high school – in addition to the wider urban area in Chelmsford and its town centre station. If an attractive, convenient and safer link can be provided then this will help overcome some of the barriers to cycling.

3 Barriers to cycling

From experience, the barriers to cycling are likely to be:

- quality of cycling infrastructure (see Appendix 1 for good practice note)
- concerns about danger (from traffic and personal security) – these worries are usually more perceived than real
- effort – too many hills, levels of fitness or it's too far to cycle
- weather – although Essex is in the driest part of the UK, potential cyclists may not realise that, statistically, they will get rained upon only once a month
- poor cycling environment – unlikely to be a problem on quiet lanes and traffic-free paths
- cycle theft – mainly confined to adequacy and security of destination parking arrangements
- lack of information and skills – availability of information on routes, parking, fitness requires, distances and cycling skills

- culture, attitudes and credibility – greater numbers of cyclists will establish the ‘critical mass’ levels to overcome inertia to seeing cycling as ‘normal’

An appreciation of how significant these barriers to cycling might be and an idea of how they may be reduced will assist in the delivery and success of the initiative.

Although much information is available from national studies, and this can provide answers and reassurance to potential cyclists, local route characteristics and the wider cycling environment conditions should be appraised.

4 Using public footpaths as cycle routes

It is noted that a length of public footpath is proposed as the route for the traffic-free section of the cycle route link. This would appear reasonable since:

- it is an existing public right of way (albeit on foot)
- it provides a good direct link on an existing desire-line
- it provides traffic-free conditions
- it provides a safer cycling environment
- it give advantage over motorised modes (in that vehicles have a less direct route)
- the footpath provides an attractive, pleasant environment away from roads and a less attractive urban setting
- the route is probably used already (unlawfully) by cyclists

For cyclists to be able to use a public footpath lawfully (and so that the resulting route may be augmented by signs, route maps and other publicity measures) the local highway authority (in this case Essex County Council) will be required to convert the footpath to a cycletrack using its powers under the Cycle Tracks Act 1984 (see Appendix 2 for further information).

5 Surfaces

The existing path surface – which currently looks like a compacted hoggin/stone specification – is adequate for pedestrians only. For cyclists, and for those in wheelchairs or mobility scooters, a smoother, all-weather surface will be required. This is essential if ‘every-day’ utility trips by bike are to be encouraged. It is no incentive to cycle if the route surface is rough or prone to surface water ponding or muddiness. It takes considerably more energy and time to cycle over rough surfaces. A ‘metalled’, sealed, all-weather surface should be specified. This will be cost-effective in the longer term since post-construction maintenance will be all but eliminated. Unsealed surfaces require periodic repair. A minimum width of 2.5m is desirable but the wider the better is advised so that path users can travel side by side, converse and further enjoy the journey.

One important practical point to note is about the other uses that might be made of the proposed footpath link. From the photographs supplied it appears that the footpath is

also part of an active 'farm track'. The double wheel tracks suggest that the path is used by vehicles, presumably farm vehicles. The path construction will need to ensure that farm traffic can still be accommodated without damage to the surface – typically, a 'concrete road', say 3.5 to 4m wide, is often the usual solution, though attention needs to be paid to getting an appropriate surface finish – one that is not too rough but that also has adequate skid resistance. It is likely that the landowner will require this specification in order to facilitate continued agricultural access needs.

Further guidance and information on surfaces is available in LTN 2/08 *Cycling Infrastructure Design* (DfT 2008), section 8.8, pp 44-45.;

and at Cycling England's website:

http://www.cyclingengland.co.uk/site/wp-content/uploads/2008/10/c02_surfaces.pdf

6 Lighting

This can be a contentious as well as a costly issue. Although lighting is desirable, particularly where people are making utility trips to work, to school/college, etc., in many instances the objections to it and the added cost can seriously hamper the success of the main initiative - which is to secure and all-weather, convenient link. Although most people will *feel* safer, many studies show that recorded crime is not significantly affected where lighting is provided. Many people will not use paths during darkness whether there is lighting or not. Where lighting is being considered, the designer has to consider the proximity of a power supply, energy usage and light pollution. It is unlikely that a rural path, as is proposed here, would really benefit from lighting. Bear in mind that for most months of the year the path can be used in daylight hours.

The Highways Act 1980, section 65(1), includes powers to light cycletracks. Technical design guidance is contained in TR23 *Lighting of Cycletracks* (ILE 1998);

and at Cycling England's website:

http://www.cyclingengland.co.uk/site/wp-content/uploads/2008/10/c10_lighting.pdf

7 Access controls

Measures to exclude motorised traffic need to be considered from the outset. A set of simple bollards, with 1.5m gaps, is all that should be required.

It is, however, important to appreciate that barriers that effectively exclude motorcycles will also exclude most wheelchair users, mobility scooters, tandems, cycle trailers, tag-alongs etc., and will seriously incommode cyclists using standard bicycles. Dismounting from a bicycle with an occupied child seat, to get through an awkward barrier, can introduce additional difficulties and hazards.

Measures to control motorcycles will only be as good as the weakest point in the route boundary – if fencing can be breached access barriers will have little or no effect other than to seriously incommode or even exclude some bona-fide path users.

Further guidance and information on surfaces is available in LTN 2/08 *Cycling Infrastructure Design* (DfT 2008), section 8.14, pp 48-49;

and at Cycling England's website:

http://www.cyclingengland.co.uk/site/wp-content/uploads/2008/10/b08_access_and_speed_controls.pdf

8 Involving the landowner and dealing with objections

Converting a footpath to a cycletrack can be problematical. This is mainly due to the possibility of having to go through a Local Public Inquiry (LPI) process if there are 'unwithdrawn objections' to the order. Objections often come from:

- the landowner (note that a PRoW is often not on land owned by a local authority)
- local residents who may have fears (usually unjustified and unsubstantiated) about concerns over intensified use
- national pedestrian rights groups – an objection is often made simply 'in principle' with little regard for the local circumstances or level of support
- parish and district councils – if not involved, consulted or supportive, may register their objection

It is crucial that early informal negotiations are undertaken, particularly with the landowner, since it is in most cases the existence of the landowner's objection that results in a conversion order having to be considered at a LPI with the risk that it is lost and the initiative cannot proceed. The support of the landowner means that the conversion order will be much easier to confirm, and that this can be done without a LPI. It is strongly recommended that the landowner is consulted as soon as possible, ideally by someone supportive of the project and known to the landowner. This could be from the Parish Council or from an individual involved with the initiative. Sometimes it is less threatening or provocative to a landowner if someone other than from the local authority makes the initial approach – for example, Sustrans have been useful in this way in many instances and should have considerable experience.

Try and check whether there is any previous 'bad history', 'baggage' or 'unresolved issues' - this may be about totally unrelated matters but will still influence a landowner's reaction - and how this might affect the initiative's aims and further, how it may be best progressed. It is better to find this out early rather than later so that expense, effort, disappointment and heightened expectations are managed.

It is further a matter of courtesy to let the landowner know about the possibility of the initiative and to provide the opportunity to hear about it first hand and to be offered the change to join the partnership or working group. Considerable damage can be done if a landowner finds out by chance from third parties, or even worse, is 'tipped off' by others who have an unsupportive motive.

Objections other than from the landowner usually hold less sway and the SoS is far more likely to confirm the Order based on the evidence presented. Unsubstantiated or patently 'nimby' objections are unlikely to be considered seriously by the SoS. The

initiative's proponents are advised to prepare and collect supporting information relevant to the footpath's conversion. See the Appendix 3 below about 'useful information for making the case for a footpath conversion'.

Remember that the footpath must be properly converted and that the legal process for doing so is complied with. This involves advertisement and publicity, so objections must, therefore, be expected.

There will also be the opportunity to respond to objectors and their reasons for so doing, offering additional information, perhaps clearing up misperceptions, or taking concerns on board and modifying proposals that take account of this. The opportunity should not be missed since it is far better to have objections withdrawn and the Order be confirmed without challenge or the need for a LPI.

9 Traffic restraint measures.

Getting more people to use their bicycles is not just about providing 'cycle routes' and 'cycle facilities'. Of considerable importance is giving cyclists advantage and priority over alternative motorised modes. This will give considerable convenience advantage to cyclists making it more likely that they will want to choose that mode. It is suggested that the following could be considered:

- review of the local road network to see whether a road closure may assist the operation and convenience of the cycle route by making the equivalent car journey less direct (it may also provide safer cycling environments too)
- review of car parking availability and possible charging arrangements at the hospital and high school and large local employer sites
- check and request that traffic restraint measures are considered in or when developing travel plans at the hospital and high school and at any other large local employer sites

APPENDIX 1

Core principles of good cycling infrastructure (LTN 2/08, 1.3.5).

Convenience - Networks should serve all the main destinations, and new facilities should offer an advantage in terms of directness and/or reduced delay compared with existing provision. Routes and key destinations should be properly signed, and street names should be clearly visible. Route maps should be made available, and on-street maps can be helpful. Routes should be unimpeded by street furniture, pavement parking and other obstructions which can also be hazardous to visually impaired pedestrians. Delay for pedestrians and cyclists at signalled crossings should be minimised. Trip end facilities should be clearly marked, conveniently located and appropriate for the likely length of stay. Designers should consider the future ease of maintenance, including access to vehicles for sweeping, trimming grass verges and surface and lighting repairs along off-road routes.

Accessibility - Cycling networks should link trip origins and key destinations, including public transport access points. The routes should be continuous and coherent (type and colour of surfacing may be used to stress route continuity as appropriate). There should be provision for crossing busy roads and other barriers, and in some areas there should be a positive advantage over private motor traffic. Routes should be provided into and through areas normally inaccessible to motor vehicles, such as parks and vehicle restricted areas. Safe access for pedestrians and cyclists should be provided during road works. The needs of people with various types and degrees of disability should be taken into account through consultation and design.

Safety - Not only must infrastructure be safe, but it should be perceived to be safe. Traffic volumes and speeds should be reduced where possible to create safer conditions for cycling and walking. Reducing traffic can sometimes enable the introduction of measures for pedestrians and cyclists that might not otherwise be viable. Opportunities for redistributing space within the highway should be explored, including moving kerb lines and street furniture, providing right turn refuges for cyclists or separating conflicting movements by using traffic signals. The potential for conflict between pedestrians and cyclists should be minimised. Surface defects should not be allowed to develop to the extent that they become a hazard, and vegetation should be regularly cut back to preserve available width and sight lines. The risk of crime can be reduced through the removal of hiding places along the route, provision of lighting and the presence of passive surveillance from neighbouring premises or other users. Cycle parking should be sited where people using the facilities can feel safe.

Comfort - Infrastructure should meet design standards for width, gradient and surface quality, and cater for all types of user, including children and disabled people. Pedestrians and cyclists benefit from even, well maintained and regularly swept surfaces with gentle gradients. Dropped kerbs are particularly beneficial to users of wheelchairs, pushchairs and cycles, and tactile paving needs to be provided to assist visually impaired people. Dropped kerbs should ideally be flush with the road surface. Even a very small step can be uncomfortable and irritating for users, especially if there are several to be negotiated along a route.

Attractiveness - Aesthetics, noise reduction and integration with surrounding areas are important. The environment should be attractive, interesting and free from litter and broken glass. The ability for people to window shop, walk or cycle two abreast, converse or stop to rest or look at a view makes for a more pleasant experience. Public spaces need to be well designed, finished in attractive materials and be such that people want to stay. The surfaces, landscaping and street furniture should be well maintained and in keeping with the surrounding area. Issues of light pollution should be considered, in addition to personal security in rural and semi-rural routes.

APPENDIX 2

Converting footpaths - legal situation

Footpath* conversion orders are made under section 3 of the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984 (SI 1984/1431). An order is made by the local highway authority, and where there are no unwithdrawn objections, the order is confirmed by the Secretary of State (SoS) acting through the Local Government Office. Where there remain un-withdrawn objections, the SoS may direct that the case be heard on the matter through either a public local inquiry (PLI) or decided upon by making 'written representations' (making and submitting evidence in written form) through the Local Government Office based in Newcastle**, which is now responsible for these matters.

Clearly, having a case considered by 'written representation' is likely to be less costly to a local authority (and to the wider taxpayer) than is a public local inquiry.

Officer time will still be needed in either case in order to undertake survey work, assemble the evidence, information and make the case for the conversion.

The amount of time and the cost must not be underestimated since there will be a lot of staff days involved in undertaking the survey work and in making a robust and effective case.

The SoS, in determining whether a PLI or 'written representation' is in the best interests of the general public will consider a wide range of aspects to the case, not least of which will be the grounds upon which the landowner is objecting. A local authority that can provide a body of balanced, sound evidence, a broad cross-section of support, planning and clear, logical strategic background justification is far more likely to get the case decided through written representations.

* Note that a 'footpath' is different in both highway and legal terminology to a 'footway' i.e. a right of way on foot that usually *runs alongside a road or street*. The latter is easier to convert to shared-use than is a footway, which requires confirmation by the SoS if the order is opposed.

** As of 1st April 2008 the responsibility for processing transport casework on behalf of the Secretary of State for Transport nationally, including cycle track orders, passed to a centralised team at the Government Office for the North East in Newcastle. To discuss the procedures for dealing with cycle track order cases in more detail, contact information is as follows:

Julie Hume
National Transport Casework Team
Government Office for the North East
Citygate
Gallowgate
Newcastle Upon Tyne
NE1 4WH

Tel: 0191 202 3641

Email: julie.hume@gone.gsi.gov.uk

APPENDIX 3

Useful information for making the case for a footpath conversion

If a Conversion Order is to be confirmed by the Secretary of State (SoS), it will need to be evident that the need for the link is an important element in the wider walking and cycling network proposals for the area. There should be no difficulty in making the case, particularly if information is provided on all or most of the following aspects:

- support from wider local and national policies that seek to encourage and provide for walking and cycling
- current use survey (pedestrians and cyclists) that shows that pedestrians and cyclists are using the route (and the short link in question) already
- evidence that there is additional latent demand (e.g. from surveys undertaken at the high school, hospital and local residents) if the route is improved
- evidence of feasibility work looking at alternative routes and links and how practical, useful and deliverable these actually are in comparison with the preferred route
- information as to detour distances and times if the link were not available
- information about exposure to traffic, on local roads, as the only alternative to this preferred new route. Remember that cyclists may not lawfully use a public footpath - so informal use that is 'tolerated' is not good practice and cannot be promoted
- photographic evidence of use, including how the path surface may be muddy in wet weather and during the winter when this inadequacy excludes even those who may lawfully use the route (i.e. pedestrians)
- local accident statistics (if any) involving pedestrians and cyclists on adjacent roads and highlighting where the new route offers a traffic-free alternative and might have avoided the accident if the victims could have used the traffic-free alternative proposed
- local member and wider political support for the link
- support from disability access groups for the link (who will appreciate the wider benefits of the all-weather, accessible, smoother surface)
- support from the police
- support from pedestrian (Living Streets) and cycle groups (Sustrans, CTC, Cycling England) for the link
- support from local schools and colleges where this route offers their pupils a 'safer route to school'
- support from local employers such as the local hospital
- the wider strategic network and how this route development fits in and adds to network coherence and completeness (e.g. National Cycle Network)
- any local public consultation evidence that supports the development of the route
- inclusion and adoption in the 'local plan' or other strategic documents
- a proposal to consider the provision of lighting (which presumably the locals would support)
- mitigating measures to reduce the potential for conflict, particularly if there are concerns about pedestrian/cyclist conflict
- the surface improvement will encourage greater use of the route, which will mean that anti-social behaviour is reduced or discouraged (get police support on this)

a commitment to monitor the use of the link, once constructed and opened up to greater use, and to consider further measures or changes if necessary, will be seen as evidence of additional good practice