

RIGHTS OF WAY COMMITTEE – 26TH JANUARY 2004

**SUBJECT: CONVERSION OF FOOTPATH 55 TO CYCLE TRACK, GALLAGHER
RETAIL PARK, CAERPHILLY**

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to gain approval to formally convert part of Footpath 55, through Gallagher Retail Park in Caerphilly, to a Cycle Track by following the legal procedures as set out in the Cycle Tracks Act 1984.

2. SUMMARY

- 2.1 Gallagher Retail Park is currently under construction. A condition of the planning consent is that the developer is to provide for a 3 metre wide cycle track along the alignment of Footpath 55 through Gallagher Retail Park. In order to convert the footpath to a cycle track, there are procedures within the Cycle Tracks Act 1984 that have to be followed. The Cycle Track will be created with pedestrian rights. It is considered that pedestrians will benefit by the proposals due to the improvements to the width and surface of the Cycle Track. The length of Footpath 55 that is proposed to be converted is 370 metres and is shown in Appendix 1.

3. LINKS TO STRATEGY

- 3.1 The cycle route through Gallagher Retail Park forms part of the South East Wales Transport Board's (SEWTB) Regional Cycling Strategy, which the Council has adopted.

4. THE REPORT

- 4.1 The Cycle Tracks Act 1984 provides that an extensive list of statutory consultees is utilised in the consultation process.
- 4.2 The initial consultation, which is informal, has been undertaken and two objections have been received. Objections have been received from the Joint Committee on Mobility of Blind and Partially Sighted People (JCMBPS) and from the Pontygwindy Residents Association (PRA).
- 4.3 The grounds for objection of the JCMBPS is based on the lack of segregation between pedestrians and cyclists. Whilst the Council has agreed to consider some form of segregation, the JCMBPS has insisted that either a 1 metre high pedestrian guard-rail is erected along its entire length or that a 100mm change in level is provided between the two usages. The Council considers this request to be far too onerous due to the route being classed as non-urban and the risk of conflict with serious consequences being very limited. It is considered that a 3 metre wide shared use Cycle Track with pedestrian rights is suitable for this location. However, as stated above, the Council will consider putting a marking strip down the centre of the cycle track for segregation if the JCMBPS persist with this objection. This action complies with current design guidance.
- 4.4 The grounds for objection of the PRA have not been disclosed, however, officers will continue to seek this clarification prior to the order being progressed.

- 4.5 The next stage of the Cycle Tracks Act procedures is to make the order and then formally advertise. This will give each consultee the opportunity to formally object, so long as their grounds for objection are made clear. If any objections are forthcoming and are not resolved then the order is forwarded to the Welsh Assembly Government (WAG). WAG will then decide whether they can confirm the order or whether a Public Inquiry is necessary.
- 4.6 The Council will continue to try to resolve the objections that have been received at the informal consultation stage in order to prevent objections at the formal advertising stage. It is hoped that a Public Inquiry can be avoided however the Council should proceed with such action if necessary.

5. FINANCIAL IMPLICATIONS

- 5.1 There will be costs associated with advertising the order, which will be found from the Highways Capital Budget.
- 5.2 Should all objections be discharged then there will be no further financial implications.
- 5.3 Should a Public Inquiry be necessary then the Council would have to accommodate the costs of such a process, which will be found from the Highways Capital Budget.

6. PERSONNEL IMPLICATIONS

- 6.1 Some officer time both from the Highways Division and the Legal Services team will be required to process the conversion order.

7. CONSULTATIONS

- 7.1 All initial statutory consultations have been undertaken as set out in the Cycle Tracks Act 1984.

8. RECOMMENDATIONS

- 8.1 That the conversion of part of Footpath 55 to a Cycle Track, as shown in Appendix 1, is progressed using the Cycle Tracks Act 1984.

9. REASONS FOR THE RECOMMENDATIONS

- 9.1 In order to accommodate the SEWTB Regional Cycling Strategy.

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