



**PROPOSED CYCLE TRACKS ORDER:
PUBLIC FOOTPATHS Nos. 24 GODALMING
& 474 SHALFORD**

**SURREY COUNTY COUNCIL
LOCAL COMMITTEE (GUILDFORD)**

12th FEBRUARY 2008

KEY ISSUE

This report considers whether a Cycle Tracks Order should be made over the routes of Public Footpaths Nos. 24 Godalming and 474 Shalford.

SUMMARY

The County Council, as highway authority has powers under the Cycle Tracks Act 1984 to convert a public footpath into a cycle track. Whilst processing an application for a diversion of Public Bridleway No. 473, Shalford at Bunkers Hill Farm, it has become apparent that the routes of adjoining Public Footpaths Nos. 24 Godalming and 474 Shalford would provide useful links for cyclists. It is considered that a Cycle Tracks Order should be made. The Waverley Local Committee will consider the same report at its meeting on 7 March 2008. This report should be read in conjunction with that at Item 7 on this agenda.

Report by

HEAD OF ENVIRONMENT & REGULATION SERVICE

Surrey Atlas Ref.

Page 151, A6 - B6

GUILDFORD B.C. WARD(S)

SHALFORD

COUNTY ELECTORAL DIVISION(S)

SHALFORD

OFFICER RECOMMENDATIONS

The Committee is asked to agree:

- (i) that a Cycle Tracks Order is made and advertised under the Cycle Tracks Act 1984 over the routes of Public Footpaths Nos. 24 Godalming and 474 Shalford at a width of 2.0m as shown on Drawing No. 3/1/19/H12 as shown in **ANNEXE 1**, attached.
- (ii) that if no objections are received it shall be confirmed. If objections are received it will be submitted to the Secretary of State for Transport for confirmation.

INTRODUCTION AND BACKGROUND

- 1 Under the Cycle Tracks Act 1984 the County Council can make an Order to convert a public footpath into a cycle track. The Act requires a Cycle Track Order to be advertised. If there are no objections, the County Council can confirm the Order. If the Order is opposed, confirmation by the Secretary of State for Transport is required. This may involve a public inquiry.
- 2 It is proposed to make a Cycle Tracks Order for the routes of Public Footpaths Nos. 24 Godalming and 474 Shalford as shown on Drawing No. 3/1/19/H12 (**ANNEXE 1**). Although it is one route it crosses the borough boundary, thus it has two separate rights of way numbers.
- 3 The surface of that part of the adjoining Public Bridleway No. 473 to the north of the proposed diversion has recently been improved as a useful link for both cyclists and horse riders. The section past Bunkers Hill Farm has been held in abeyance whilst a diversion is processed. A Diversion Order has been made to which two objections have been received. The objectors have indicated they will withdraw their objections if a Cycle Tracks Order is made over the routes of Public Footpaths Nos. 24 Godalming and 474 Shalford. If the objections are resolved the Diversion Order could be confirmed following completion of the surfacing works. In his application the landowner has agreed to provide a greater width for the new route of the bridleway, which would benefit all users. See also the report at Item 7 on this agenda. Although the CTO has been proposed as a result of the request from the objectors to the diversion, officers believe the proposal has merit in its own right and are pleased to promote it.
- 4 The width of the Public Footpaths Nos. 24 and 474 currently varies between 3.2m and 6.0m on the ground and has a tarmac and rough metal surface. The route serves as an access drive to properties. Under the Cycle Tracks Act 1984, if the whole of the width is converted to a cycle track, a subsequent Map Modification Order would then have to be made to remove the footpath from the Definitive Rights of Way Map. This can cause confusion for walkers following ordnance survey maps making the status of a route unclear. It is therefore proposed to only convert a 2.0m wide strip on the western side of the route, to enable the remainder of the width to remain on the Definitive Map as a Public Footpath.

- 5 Although only part of the route would carry cycle rights there will be no physical segregation on the ground, which would be inappropriate in this rural location. Signs on site however, will clarify the status of the route. In practice if cyclists stray onto the public footpath they will not be committing a criminal offence but a trespass against the landowner. The landowner has no objections to the proposal. Under the Cycle Tracks Act maintenance would become the responsibility of the County Council. The routes are already publicly maintained as Public Footpaths.

ANALYSIS

- 6 The routes of Public Footpaths Nos. 24 Godalming and 474 Shalford provide a useful link for cyclists from Meadrow to the Public Bridleway network near Bunkers Hill Farm.

OPTIONS

- 7 It is for Members to decide whether to make a Cycle Tracks Order.

CONSULTATION

- 8 Under the Cycle Tracks Regulations 1984, various prescribed national and local bodies have been consulted. The Open Spaces Society and two individuals have raised concerns to the whole width becoming a cycle track and the route being removed from the Definitive Map. These individuals are currently objecting to the Diversion Order for Public Bridleway No. 473, Shalford, which is a separate report to this committee. This point will be resolved by only part of the width being converted to a cycle track. The Open Spaces Society would also prefer the route to be upgraded to Public Bridleway status to also allow access for horses. Officers have considered this suggestion and conclude that the route is not suitable as a bridleway for the following reasons: the tarmacked section could be slippery when wet, the footpath is too narrow in places for cars and horses to pass safely, the bridge parapets are too low, and horse riders would emerge onto the busy A3100 (Meadrow) with no linking bridleways in the vicinity. Horse riders are already well served with linking bridleways to the south and east.
- 9 Advisory notices have been placed on site alerting local residents and users to the proposal. To date one objection has been received from a local resident who is concerned about future maintenance and signage. He would prefer the current situation of permissive access to be kept. A verbal update will be given to Members at the meeting. A letter of support has been received from Godalming Together Town Healthcheck. They are pursuing the prospect of a circular cycle route from Godalming to the Downlink path using the routes of Footpaths nos. 24 Godalming and 474 Shalford. This report will also be considered by the SCC Waverley Local Committee on 7 March 2008, recognising that the section A-B on the drawing attached as **ANNEXE 1** is in that borough.

FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 10 The cost of advertising a Cycle Tracks Order will be approximately £1,000, which will be met from the County Council's Countryside Legal budget. If objections are maintained and a public inquiry held costs in the region of £1,000 will be met from the same budget.

EQUALITIES AND DIVERSITY IMPLICATIONS

- 11 Local Authorities are required to act to uphold European Convention rights which are now enforceable in British courts as a result of the Human Rights Act 1998. Primary legislation, of which the Cycle Tracks Act 1984 is an example, allows the County Council to act in a particular way. While the Council must interpret primary legislation, so far as is possible, in a way that is compatible with Convention rights, the County Council can exercise powers to act differently. In this instance it is first necessary to consider whether the action recommended to Members touches on a convention right. The making of this Order may affect the rights of the landowner/occupier under Article 1 of Protocol 1, the right to peaceful enjoyment of one's possessions. The act makes it clear that such rights may only be interfered within a way that is in accordance with the law. The recommendation to Members is not considered to be in breach of the 1998 Act.

CRIME AND DISORDER IMPLICATIONS

- 12 The route is already a Public Footpath and it is understood well used by cyclists. It is unlikely formalising cycling rights will have significant crime and disorder implications.

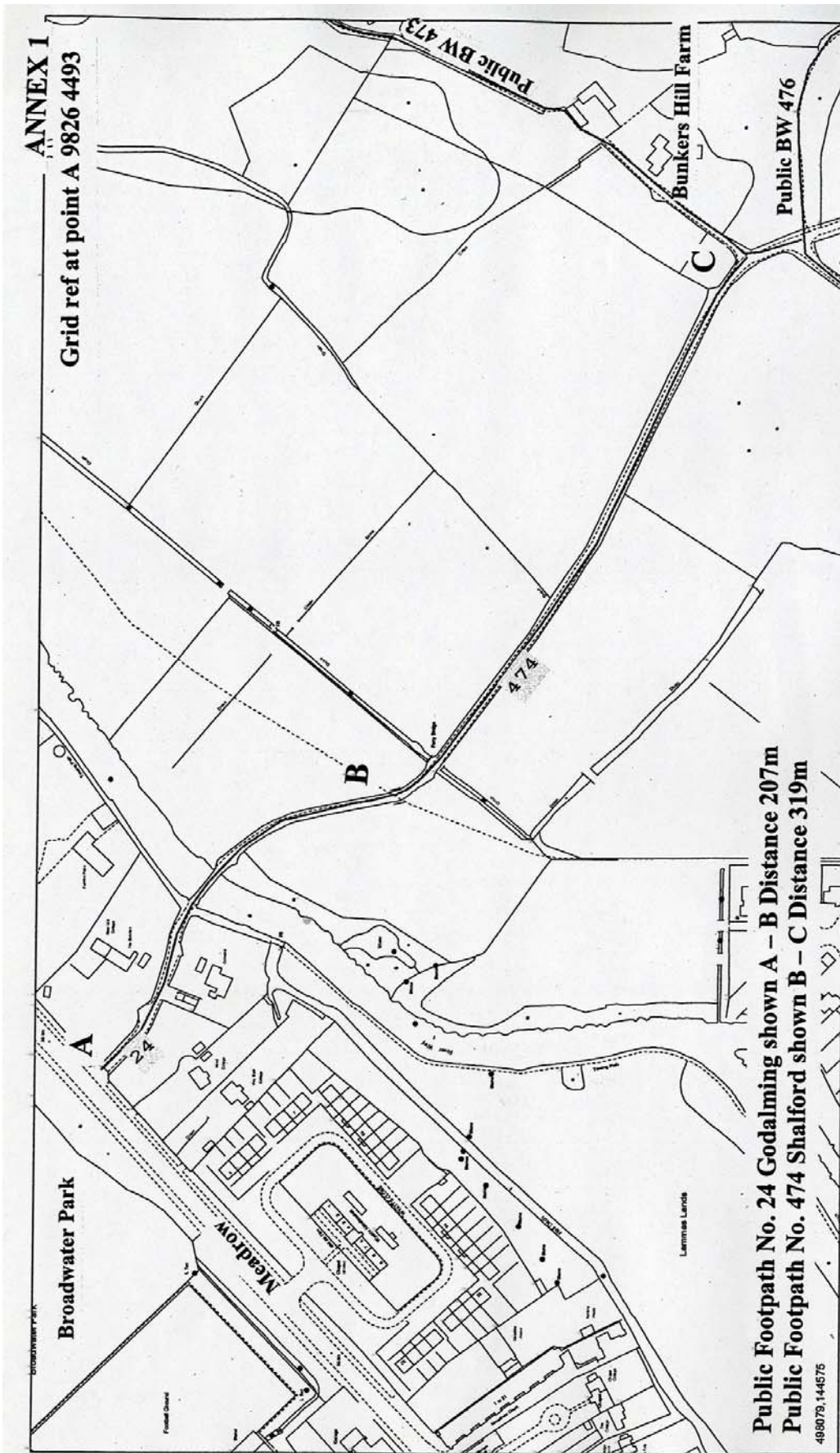
CONCLUSIONS AND REASONS FOR RECOMMENDATIONS

- 13 The County Council has a power to make Orders under the Cycle Tracks Act 1984. The route will serve as a useful link for cyclists.

WHAT HAPPENS NEXT?

- 14 If the recommendation is agreed a legal order will be made and advertised. If objections are maintained to the Order, it will be submitted to the Secretary of State for Transport for confirmation. If no objections are received it will be confirmed and advertised accordingly. If no Order is made all interested parties will be informed.

LEAD OFFICERS	DEBBIE SPRIGGS, SCC COUNTRYSIDE LEGAL TEAM MANAGER
TELEPHONE	020 8541 9343
E-MAIL	debbie.spriggs@surreycc.gov.uk
BACKGROUND PAPERS	All documents quoted in the report. File may be viewed upon request



Proposed Cycle Tracks Order

	<p>Date: 11/01/2008 Printed by: DS 1/08 Drawing No.: 3/1/19/H12</p>	<p>Public Footpath LABELLED Public Bridleway LABELLED Public Byway LABELLED</p>	<p>Scale 1:2500</p>	<p>© Crown Copyright Licence No. 100019813, Surrey County Council, 2006. Except A-Z mapping © Copyright of the Publishers Geographers 'A-Z' Map Company Ltd.</p> <p> SURREY COUNTY COUNCIL</p>
--	---	---	----------------------------	---