
Meeting of Executive Members for City Strategy and Advisory Panel

16 March 2009

Report of the Director of City Strategy

PROPOSED CYCLE ROUTE - ST OSWALD'S ROAD TO LANDING LANE

Summary

1. This report discusses issues arising from a feasibility study, a scheme proposal is put forward, and an action plan to carry the project forward is set out. As part of this action plan, authorisation for Officers to submit a planning application is sought.

Background

2. In October 2007 members considered a report outlining the results of a multi-modal transport feasibility study of the A19 Fulford Corridor. The report identified various transport related issues along the corridor and proposed a package of improvement measures. This included a proposed extension of the existing riverside cycle route southwards from St Oswald's Road. Members agreed that the proposed package of measures should be taken forward for public consultation.
3. In March 2008 members considered a report which gave feedback from this consultation exercise. It was noted that the proposed extension of the riverside cycle route had attracted strong support. It was also noted that funding for a more detailed feasibility study of this proposal had been included in the Transport Capital Programme for 2008/09, and that a report on the outcome of this work would be brought to a future EMAP meeting.
4. The existing riverside cycle route runs from King's Staith alongside Tower Gardens and St George's Field, over Blue Bridge, along New Walk, past the Millennium Bridge, and then across the northern part of Fulford Ings. This route is well used by commuters and leisure cyclists to avoid cycling along Fulford Road (A19). Two plans are provided in **Annex A**. The first plan shows how the riverside route fits into the wider cycle network in this sector of the city, and the second plan gives more local detail in the area of the proposed route extension.
5. Further south, an off-road section of cycle route exists alongside the A19, between Landing Lane and Naburn Lane (see the plans in **Annex A**). This provides an important link, which gives cyclists access to the Designer Outlet shopping centre, Naburn Village, and the York to Selby path that forms part of

National Cycle Network Route 65. However, the only way for cyclists to travel between this off-road facility and the riverside path is along Fulford Road. This requires cyclists to go through the busy Main Street area, where unfortunately there is little scope to provide good cycle facilities either on-road or in the verge areas due to other activities and demands on the available highway space. Therefore providing an alternative path away from the highway between St Oswald's Road and Landing Lane is considered to have a high strategic importance, and has been identified as an aspiration within the Council's Local Plan. In addition to connecting the two existing off-road cycle routes mentioned earlier, the overall route created would also have the potential to serve the proposed Germany Beck housing development.

6. The provision of continuous off-road cycle routes running parallel with major transport corridors such as Fulford Road are considered to be very important to give potential users the maximum level of choice of route type. Whilst confident cyclists may be happy to mix with traffic along major roads, many other cyclists would find this intimidating and may choose not to cycle at all if no alternative quiet or traffic free route is available. Therefore the provision of a cycle path between St Oswald's Road and Landing Lane over Fulford Ings is thought to have the potential to both improve safety and convenience for existing cyclists, and also to encourage many more people to cycle in this area for a range of journey purposes.
7. A 3 metre wide unsegregated pedestrian/cycle path constructed in tarmac would offer an appropriate level of provision, given the location and potential usage. This would be consistent with other riverside paths of a similar nature. The feasibility of building such a path over Fulford Ings has now been explored in some detail, and the key findings are outlined in the next section of the report.

Feasibility Study Findings

8. The feasibility study has identified many potential hurdles to overcome in creating a surfaced cycle path over this section of Fulford Ings. A detailed account of the study findings is provided in **Annex B**, and the list below presents a brief summary of the key issues.
9. A substantial part of the Ings is a Site of Special Scientific Interest (SSSI) and any proposal has to be agreed with Natural England (NE). Discussions with NE have identified that just one particular route would be acceptable to them, which is shown on the plan in **Annex C**.
10. The land that forms Fulford Ings is in multiple private ownership, and agreement to build the path over their land would be needed from all landowners. Initial contact with them suggests that several landowners would not agree to this. This means it may be necessary to purchase land affected by the proposed path either by negotiation or by compulsory purchase order.
11. Planning approval will be needed to build a surfaced path on the Ings.
12. Part of the route crosses land which is designated as a Village Green. This means that our proposals would require going through a legal process

involving consultation and consideration by the Secretary of State. Objections to the route going over the village green could result in a public inquiry being required.

13. There would be a need to extinguishing and divert part of an existing Public Right of Way (PROW). Again this will involve legal processes and objections could result in a public inquiry being needed.
14. A surfaced path of this length will be very expensive to build (perhaps £500K), and careful consideration will need to be given to the design of the path to ensure that it is sufficiently robust to withstand flood conditions (the Ings floods three times per year on average). Natural England may also require special measures to ensure that the path does not adversely affect the natural drainage characteristics and ecology of the Ings. Consideration will also need to be given to the practicalities and costs involved in clearing silt from the path surface after a flood.

Proposed Action Plan

15. Given the complex legal issues highlighted above, officers have developed a proposed action plan for moving the project forward in a structured way. The key processes are set out below :-
 - (1) Obtaining planning consent.
 - (2) Obtaining landowner consent, or purchasing the necessary land.
 - (3) Diversion of the public right of way, and legally converting it to be a formal cycle track.
 - (4) Obtaining consent to create the path over the Village Green area.
16. Pursuing planning consent is considered to be the logical first step. This can be progressed without the various landowners' agreement, but there is a requirement to make them aware of the application being made. Given that the scheme could not progress without planning consent, and the planning process could result in specific conditions being placed on the proposal, or possible refusal, there is thought to be no sense in starting other legal processes until the planning permission issue is resolved.
17. However, this first stage could also include more detailed discussions with the various landowners over consent to build the path, or possible land purchase negotiations. Although the amount of land affected by the proposed path will be relatively small, and is of low market value because of its location and SSSI status, it is thought unlikely that all the landowners will be prepared to give consent or sell the land voluntarily. Therefore, following discussion with landowners, Member approval of any proposed land purchases would be sought, or a request made for Members to authorise the initiation of compulsory purchase procedures.
18. The second stage could stage could then involve simultaneously progressing the compulsory purchase of land, the proposed PROW diversion, legally forming the cycle track, along with the permission for it to be built over the Village Green area permission. Running them together would save time and

should enable the project to move towards implementation more quickly. There is thought to be only a very low risk of one of these processes conflicting with another.

Options

19. At this stage, the options for Members to consider are:-
 - (a) To support the project being taken forward in line with Officers proposed two-stage action plan.
 - (b) To consider and agree an alternative action plan to move the project forward.
 - (c) To abandon the project.

Analysis of Options

20. The proposed cycle path seeks to address a crucial missing link in the off-road cycle network in this part of the city. Consultation has shown strong support for its provision from potential users. The path is considered feasible to construct, from an engineering point of view, and an alignment acceptable to Natural England has been identified. The main hurdles to overcome are linked to various legal permissions that would need to be resolved before a path could be built. These are complex and will be time consuming, but the proposed action plan is considered to present a logical and structured way forward.
21. Other ways of moving the project forward could be considered. For example, all the main legal processes could be initiated at the same time, with a view to hopefully bringing forward the point where all the necessary approvals are in place and construction could proceed. However, this approach would carry a significant risk of time and effort being wasted if any one process encountered difficulties along the way. Alternatively, all the processes could be tackled one at a time, but this is likely to significantly slow down the pace at which the project can be progressed, perhaps adding as much as a full year to the overall timescale.
22. Although many hurdles have been identified, none are thought to be insurmountable. Therefore, there is not thought to be any justification for abandoning the project at this stage.
23. Based on the analysis above, option a) is considered the best way to proceed.

Corporate Priorities

24. These proposals should help meet the Council's Corporate Priorities for increasing the use of public and other environmentally friendly modes of transport, and also for improving the health and lifestyles of the people who live in York, in particular among groups whose levels of health are the poorest.

Implications

Financial

25. The estimated cost of building the path is around £400K. However there will also be significant costs involved in going through the various land acquisition and legal process highlighted earlier in this report. It is very difficult to put a precise figure on how much these might cost, because there are many variables involved. However, for budgetary purposes, a sum of around £100K would seem reasonable to cover most eventualities. This would put the overall cost of the project at around £500K.
26. The planning conditions linked to the proposed Germany Beck housing scheme require the developer to contribute £165,000 towards the cost of extending the riverside cycle path. This does not have to be paid until a significant proportion of the whole development is completed.
27. The recent economic slow down has had a dramatic effect on the construction industry. It is thought likely that there will be a long delay before the development commences, and it could several years before the developer contribution towards the riverside cycle route would be paid to the Council.
28. This leaves a decision to be made about either progressing the scheme now and accept that the Council may have to pay the full implementation costs, or to wait until there is more certainty about the Germany Beck scheme going ahead becomes available.
29. If Members wish to progress the scheme immediately, it is likely that the legal processes and scheme approvals could be secured within 2009/10, with implementation taking place in 2010/11. This would require a working budget of around £100k to be included in the 2009/10 Transport Capital Programme.
30. The proposed Transport Capital Programme for 2009/10 is currently being developed and will be considered at a meeting of the Executive to be held on 31 March. A request has been made to include a provisional sum of £100K to progress this scheme, but this will be subject to further assessment by Transport Planning Unit as to its value for money and priority compared to other spending options.

Human Resources (HR)

31. There are no human resources implications.

Equalities

32. There are no equalities implications.

Legal

33. Various legal processes would need to be undertaken to allow the proposed scheme to be implemented, as summarised in paragraph 15.

Crime and Disorder

34. There are not thought to be any specific crime and disorder implications linked to extending the existing riverside cycle path as proposed. The Police and other interested parties will have the opportunity to raise any concerns relating to this as part of the various consultation processes that will be carried out in taking the project forward.

Information Technology (IT)

35. There are no information technology implications.

Property

36. As outlined in paragraph 17, there may be a need for the Council to acquire land on which the proposed path would be built. If this could not be achieved via negotiation a Compulsory Purchase process may be required.

Risk Management

37. In compliance with the Council's risk management strategy, there are no risks associated with the recommendations of this report.

Recommendations

38. That the Advisory Panel advise the Executive Member to:
- (i) Note outcome of feasibility study.
 - (ii) Give in principle support to the creation of the proposed cycle/pedestrian path shown in **Annex C**.
 - (iii) Endorse the recommended action plan to move the project forward (as set out in Option a) and, as part of this, give authorisation for officers to submit a planning application to build the proposed path over the Ings.

Reason: The proposed scheme will provide significant improvements for cyclists in this area, and make a significant contribution towards the aims of the Council as a Cycling City.

Contact Details

Author:	Chief Officer Responsible for the report:		
Mike Durkin Project Manager Transport & Safety Tel. No (01904) 553459	Damon Copperthwaite Assistant Director of City Development & Transport		
	Report Approved	✓	Date 27/2/09

Specialist Implications Officers

Partick Looker –Finance
Martin Blythe - Legal

All

Wards Affected: Fishergate, Fulford

For further information please contact the author of the report

Background Papers:

“A19 Fulford Road Corridor Update” – report to the Meeting of Executive Member for City Strategy and Advisory Panel on 17 March 2008.

“York Cycling City” – report to the Meeting of Executive Member for City Strategy and Advisory Panel on 8 September 2008.

Annexes:

Annex A – Plans showing the “Wider Cycling Network”, and “Local Detail”

Annex B – Feasibility Study Outcomes

Annex C – Plan showing the “Proposed Route”.