

Division(s): Headington & Marston

CABINET MEMBER FOR TRANSPORT – 22 MARCH 2012
**OXFORD, FAIRFAX AVENUE/PURCELL ROAD PEDESTRIAN /
CYCLE LINK**

Report by Deputy Director for Environment & Economy (Highways & Transport)

Introduction

1. This report seeks approval from the Cabinet Member for Transport to carry out physical works to upgrade and realign the existing paths that run through Marston recreation ground and south to Edgeway Road.
2. The route is made up of three sections:
 - Designated footpath number 74 (“FP74”) across unregistered land
 - FP74 across city council land
 - A permissive path owned by Oxford City Council (“the city council path”) which links FP74 with Rippington Drive / Fairfax Avenue across Marston recreation ground.
3. Annex 1 and Annex 2 show the status and the existing and proposed routes of the paths.

Background

4. The project began a number of years ago with the aim of improving the link for pedestrians and cyclists between Marston, the University Science Area and the city centre.
5. The surface of the existing route is poor, uneven and muddy puddles form on it in winter, making it difficult and uninviting to use, even for able-bodied pedestrians.
6. The route cannot currently be legally used by cyclists. To legalise its use by cyclists, officers propose that the whole route is converted to bridleway status.

Description of proposed physical works

7. The physical works would involve widening, resurfacing and realigning the paths and include the installation of two replacement bridges.

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8. The current route of FP74 deviates from the route shown on the definitive map – see Annex 1, and the scheme proposes to straighten the path to follow the definitive route of FP74. This would require some vegetation clearance, and installation of a new three metre wide bridge over the brook, where FP74 joins the recreation ground and the city council path. These works would also require the hedges parallel to FP74 to be trimmed back to a level of their normal annual pruning to enable the widening of the path.
9. The city council path would be realigned to link better with the definitive route of FP74 and the existing bridge, leading to Rippington Drive replaced with a 3 metre wide bridge (a width required by the Countryside Team for a bridleway). The wider bridge requires the acquisition of land, to the rear of 61 Rippington Drive, by the city council.
10. The proposed scheme also includes installation of lighting columns along a part of the route through the recreation ground.

Legal changes to allow cycling

11. The intention is to convert all three sections of the route to bridleways in order to permit cycling and horse riding.
12. The city council path and the part of FP74 owned by the city council (see Annex 1) can be converted through a relatively simple process with consent from the city council.
13. However, part of FP74 runs across land which is unregistered so there is no known landowner to give consent. To change the legal status of this part of FP74, the route must be converted to a bridleway through a formal Creation Order process under the Highways Act 1980.
14. A creation order can be a long process; as long as eighteen months if objections are received. Officers therefore propose to progress with the creation order in parallel with and following the physical works for all three parts of the route, rather than to delay the physical works until the creation order has been completed. If the creation order is unsuccessful, pedestrians will be the only legally permitted users of the part of FP74 across unregistered land, but officers still consider the improvements to be worthwhile, even if cyclists cannot legally use this part of the route.

Consultation on the scheme

15. Consultation was carried out at the beginning of 2009 with local councillors, key stakeholders and all properties in close proximity to the path.
16. The majority of those who have responded support the proposal. Many support the principle of the scheme but have concerns about some details. A few consultees objected to the whole scheme.

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17. The concerns and objections raised at consultation are summarised in Annex 3 and listed below. Copies of the full responses are contained in the background document "consultation responses".
 - lighting impact on residential properties
 - cutting back / removing the hedge (wildlife/privacy concerns)
 - surface water drainage / flooding impact on residential properties
 - removal of barriers encouraging motorcycles / micro-scooters
 - conflict between pedestrians and cyclists
 - questionable necessity / high cost
 - negative impact on wildlife
18. The proposals have strong support from local councillors who are keen to see the surface of the paths improved without further delay.
19. As a result of consultation some changes were made:
 - Five metre high lighting columns are no longer proposed along FP74, between Edgeway Road and the recreation ground, to avoid impact on properties on Purcell Road. Alternative options are being considered, including solar powered lighting studs.
 - The path was reduced to 2.1m in places to avoid cutting the hedge too severely.
 - The direction of the path's drainage was altered away from the rear gardens of properties on Purcell Road.
20. Officers consider that the benefits of improved access for cyclists and pedestrians outweigh the remaining concerns raised. In summary:
 - Removal of barriers will improve access for all users of the path, including wheelchair and scooter users and people with buggies and push chairs. Experience with existing barriers, and from elsewhere, demonstrates that bollards do not significantly deter use of motorcycles / micro-scooters.
 - Conflict between pedestrians and cyclists is considered to be minimal, given the numbers of both expected to use the paths.
 - The improvements would be funded by developer contributions taken specifically to mitigate the impact of developments in the area and would benefit all users.
 - Impact on wildlife would be minimal – the vegetation clearance and pruning of the hedge will be undertaken outside of the bird nesting season and the work will be undertaken with caution.
21. It is considered that further detailed consultation is not required. Officers will write to residents to notify them of the Cabinet Member for Transport's Delegated Decisions meeting and the approach being proposed.

Policy and strategy

22. Improvements to this route fit with the council's Local Transport Plan 3 (LTP3) objectives and policies of encouraging sustainable travel within Oxford.
23. The link between Marston, the University Science Area and the city centre is considered to be an important strategic route for both pedestrians and cyclists.

Equality and inclusion implications

24. A Service and Community Impact Assessment has been undertaken (Annex 4).
25. The physical work to improve the surface of the path and the proposed lighting will benefit all users of the path and recreation ground.
26. Conversion of the path to bridleway may have the potential to affect people differently according to their age and disability due to the perception that cyclists may cause a risk to the safety of pedestrians. Officers consider that the risks to safety will be minimal.
27. On balance the benefits of the proposals are considered to outweigh the dis-benefits.

Financial and staffing implications

28. The proposed changes are expected to cost £185,000 (including expenditure in previous years) and will be funded entirely by developer contributions obtained through s106 agreements.
29. £179,000 is allocated in the current approved capital programme for 2011/12 and 2012/13 and is sufficient to cover the remaining detailed design work and construction. Construction is expected to start in summer 2012. The funding is from developments in the university science area and Marston, towards facilitating cycling and/or pedestrian access in the area.
30. The creation order will require staff time but this can be accommodated within existing staffing levels.

Legal implications and risks

31. A number of issues could potentially prevent the route being legally available to cyclists:
 - 1) To legalise the use by cyclists of that part of FP74 not owned by the city council, the highway authority must apply to change the status of the route through the creation order process. There is no guarantee that the creation order process will be successful, but officers believe the physical

improvements are worthwhile even if this part of the route is not legally available to cyclists.

2) For the city council path, purchase of land at 61 Rippington Drive is needed to install a three metre wide bridge (a requirement of the Countryside Team for a bridleway). The purchase of the land by the city council should be completed imminently. If the purchase is not successful alternative options for legalising use by cyclists will be explored with the city council. Officers believe the physical improvements to the path are worthwhile even in the unlikely event that this part of the route is not legally available to cyclists.

3) Delivery within budget - Final cost estimation, including changes arising from consultation, is yet to be completed so some uncertainty remains about exactly what can be delivered within the available budget as set out in the financial implications section above. The council may need to consider reducing the scope and/or specification of the scheme once detailed design and cost estimation have been completed. Such changes will be managed in line with the corporate capital governance requirements and further approvals will be sought at the appropriate level.

RECOMMENDATION

32. The Cabinet Member for Transport is RECOMMENDED to:

- (a) authorise the physical works to upgrade and realign both parts of FP74 and the city council path, as shown in Annex 2 to this report.**
- (b) work with the city council to convert the city council path and the part of FP74 owned by the city council to a bridleway.**
- (c) commence work on the creation order process for the unregistered part of FP74.**

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Background papers: Consultation documentation

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ANNEX 1

Alignment and legal status of existing paths



