



PROOF OF EVIDENCE

The Warwickshire County Council (footpath adjacent to Harbury Lane, Warwick) Cycle Track Order 2024

NATTRAN/WM/CYCLETACK/107

1. Introduction

1.1 I am Alison Kennedy and I hold the post of Principal Transport Planner within the Transport Strategy and Road Safety Group at Warwickshire County Council, where I have been employed for 5 years. I am responsible for supporting the active travel strategy within the Warwickshire Local Transport Plan¹ (LTP4) and progressing walking, wheeling and cycling projects in the Warwickshire Local Cycling and Walking Infrastructure Plan² (LCWIP).

2. Scope

2.1 Warwickshire County Council ('WCC') fully supports the making of The Warwickshire County Council (footpath adjacent to Harbury Lane, Warwick) Cycle Track Order 2024.

2.2 This Proof will set out the background to the Harbury Lane Active Travel Connections project, describe the proposals, review community engagement, update on delivery, provide information on the Cycle Track Order process and show that WCC has fully considered the objections. The evidence within this Proof should demonstrate that the objections are not valid and that the conversion of the footpath adjacent to Harbury Lane to a cycle track, including improved access points and lighting, is consistent with County Council policies and national guidance in providing a coherent, direct, safe, comfortable and attractive walking, wheeling and cycling route suitable for people of all ages and abilities.

3. Background

3.1 Harbury Lane is located on the south side of Warwick and Leamington Spa (**See Appendix 1**). This area has seen a huge amount of development in recent years, including new homes, shops and schools. Local highways and active travel connections have had to be adapted to cater for the increase in people and trips.

3.2 Housing developments on the north and south sides of Harbury Lane incorporate footpaths, footways and cycle tracks but the quality is variable (**see Appendix 2**) and connectivity is poor. The Harbury Lane Active Travel Connections project was established after a review by Warwickshire County Council in 2021 of existing facilities and identification of opportunities to upgrade paths and improve connections (**see Appendix 3**).

¹ <https://www.warwickshire.gov.uk/localtransportplan>

² <https://www.warwickshire.gov.uk/cycling-warwickshire/developing-warwickshires-cycle-network/3>

3.3 In May 2022, Warwickshire County Council secured £1.4million for the Harbury Lane project from Active Travel England, in Tranche 3 of the Active Travel Fund³. Harbury Lane (Europa Way - Tachbrook Rd/ Oakley Wood Road) was subsequently included as a 'Programmed' scheme in the 2024 Warwickshire Local Cycling and Walking Infrastructure Plan (LCWIP)⁴.

3.4 As part of the Harbury Lane Project, the section of path shown on the plan in **Appendix 4A** in orange relates to this Cycle Track Order.

4. Proposals

4.1 The Harbury Lane Active Travel Connections project is a package of measures to upgrade existing paths and crossings, and to provide new footways, cycle tracks and crossing facilities. It extends along the section of Harbury Lane between the A452 Europa Way and B4087 Tachbrook Road/ Oakley Wood Road (**See Appendix 1**).

4.2 The specific measures that relate to the Cycle Track Order (**see plan in Appendices 4A and 4B**) are:

- Widening and surfacing of an existing footpath (approximately one kilometre) running behind a hedge adjacent to the north side of Harbury Lane between Tachbrook Road and Garrett Drive, to create a shared use footpath/ cycle track. This enables the path to be used all year round for walking, wheeling and cycling. ('Wheeling' refers to the use of wheelchairs, mobility scooters, prams, pushchairs and push scooters). Providing better wheeling routes supports Warwickshire County Council's public sector duties on equality and people with protected characteristics.
- Widening and surfacing of a connecting section of footpath running between Harbury Lane and Earl Rivers Avenue, to create a shared use footpath/ cycle track. This enables the path to be used all year round for walking, wheeling and cycling and provides a direct route between an existing cycle route on Earl Rivers Avenue and Heathcote Primary School on Vickers Way.
- Creation of new pedestrian/ cycle access points between local streets and the footpath adjacent to Harbury Lane. This opens up the improved footpath and its connections to a larger number of people, thereby reducing distance travelled for local journeys.
- Provision of street lighting. This enhances safety for users of the footpath and enables the route to be used for longer periods each day, and throughout the darker months of the year.

³ <https://www.gov.uk/government/news/healthy-cost-effective-travel-for-millions-as-walking-and-cycling-projects-get-the-green-light>

⁴ <https://www.warwickshire.gov.uk/cycling-warwickshire/developing-warwickshires-cycle-network/3>

5. Scheme Design

- 5.1 Walking, wheeling and cycling are ideal modes of transport for short, local trips. These modes are low-cost, accessible, healthy, environmentally friendly and efficient. Nearly two thirds of Warwickshire residents live in urban areas; where distances to key destinations are often short, and combining active travel with bus or rail travel offers opportunities for longer distance journeys and creates a viable transport choice that reduces the reliance on the private motor vehicle for local trips.
- 5.2 The Government published the first Cycling and Walking Investment Strategy⁵ in 2017 with an ambition to make walking and cycling the natural choices for shorter journeys or part of a longer journey. The Strategy included guidance for local authorities on the preparation of a Local Cycling and Walking Infrastructure Plan (LCWIP); a programme of prioritised improvements to facilitate more walking and cycling for everyday journeys.
- 5.3 In 2020, the Government provided a clear commitment to walking and cycling with publication of Gear Change⁶ and cycle infrastructure design guidance (Local Transport Note 1/20)⁷. A second Cycling and Walking Investment Strategy⁸ was published in March 2023 and set out the Government's ambitious target that 50% of all journeys in towns and cities should be walked or cycled by 2030.
- 5.4 Active Travel England⁹ (ATE) was formally established in 2022 as an Executive Agency of the Department for Transport. ATE's purpose is to raise design standards for active travel infrastructure, hold local authorities to account for their investments in active travel, provide advice on how to improve walking, wheeling, and cycling provision, and to increase skills and capacity within local authorities to deliver high quality schemes.
- 5.5 WCC's Local Transport Plan¹⁰ (LTP4) was adopted in 2023, comprising of a core strategy and six key strategies. The LTP Core Strategy sets out a transport hierarchy for Warwickshire roads, with active travel at the top of that hierarchy. The LTP Active Travel Strategy includes specific policies to improve accessibility

⁵ <https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>

⁶ <https://assets.publishing.service.gov.uk/media/5f1f59458fa8f53d39c0def9/gear-change-a-bold-vision-for-cycling-and-walking.pdf>

⁷ <https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

⁸ <https://www.gov.uk/government/publications/the-second-cycling-and-walking-investment-strategy/the-second-cycling-and-walking-investment-strategy-cwis2>

⁹ <https://www.activetravelengland.gov.uk/>

¹⁰ <https://www.warwickshire.gov.uk/localtransportplan>

and attractiveness of active travel options, provide better and safer routes for walking and cycling and develop active travel information and promotion.

- 5.6 Warwickshire's Local Cycling and Walking Infrastructure Plan¹¹ (LCWIP) was adopted in 2024. This builds on previous improvements to walking and cycling infrastructure, supports an ongoing programme of safe and active travel initiatives and responds to feedback from local communities. The LCWIP reviews, updates, and formalises the walking and cycling network development plans for each of the main urban areas and sets out a prioritised programme of delivery for cycling schemes for the next 10 years and beyond. This will ensure that high quality infrastructure is in place - to encourage sustainable travel patterns for everyday journeys and provide inclusive access for leisure activities - meeting the demands of a growing population and supporting a vibrant economy.
- 5.7 The Harbury Lane project is listed as a 'Programmed' route in Warwickshire County Council's LCWIP (also shown on plan in Appendix 1) and has been designed in accordance with national guidance including the Department for Transport's Local Transport Note (LTN) 1/20 'Cycle Infrastructure Design'¹². LTN 1/20 sets out five core design principles (**coherent, direct, safe, comfortable and attractive**) which represent the essential requirements to achieve more people travelling by cycle or on foot, based on best practice both internationally and across the UK.
- 5.8 LTN1/20 states that 'on busy strategic roads where a significant reduction in traffic speeds and volumes is not appropriate, safety will need to be achieved by providing dedicated and protected space for cycling, which may involve reallocating existing space within the highway (or providing a parallel route)'. The proposed cycle track provides a parallel route to the 40mph Harbury Lane which has an average of almost 10,000 vehicles per weekday¹³.
- 5.9 The proposed cycle track is a three metre wide, traffic-free, tarmacked route for use by people walking, wheeling and cycling. It provides connections with existing cycle tracks at 1) Earl Rivers Avenue, 2) Miranda Drive and 3) Tachbrook Road, which link with residential areas and local schools. **(See Appendices 4A and 4B)**

6. Community engagement

- 6.1 During August and September 2023, local people were invited to comment on preliminary designs. Press releases were issued by Warwickshire County

¹¹ <https://www.warwickshire.gov.uk/cycling-warwickshire/developing-warwickshires-cycle-network/3>

¹² <https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

¹³ Harbury Lane near Harper Close traffic survey 15th to 19th September 2025. Weekday average traffic volumes in both directions over 24 hours = 9,950.

Council, supported by a dedicated web page¹⁴, with scheme drawings and a summary of proposals.

6.2 There were a total of 57 responses to an online survey. Over 100 people attended the events. 13 people submitted additional comments by phone or email. A full summary is available online which demonstrates local support for the project.¹⁵

6.3 When asked specific questions about measures relating to the footpath adjacent to Harbury Lane (including lighting and access points) survey responses were generally positive:

- 73.2% agreed or strongly agreed with 'upgraded footpath (tarmac surface, widening to 3.0m) on north side to create shared use footpath/ cycle track'.
- 83.9% agreed or strongly agreed with 'street lighting at regular intervals along upgraded footpath on north side'.
- 84% agreed or strongly agreed with 'new access connections between footpath and residential streets'.
- One third of respondents mentioned concerns about the current condition of paths and roads (17 in total).

6.4 The responses to the local engagement were used to review and amend the designs, including the addition of the connecting section of footpath running between Harbury Lane and Earl Rivers Avenue. (**see plan Appendices 4A and 4B**) and the decision not to widen the path further than 3 metres in order to keep as much vegetation as possible.

6.5 Delivery of improvements

6.6 After the community engagement and a design review by ATE, the Harbury Lane project was divided into two phases to enable early delivery of improvements on Phase 1: the footpath adjacent to Harbury Lane, and connecting section to Earl Rivers Avenue. Phase 2 consists of filling in the missing links between Earl Rivers Avenue and the roundabout junction of Harbury Lane, A452 Europa Way, Gallows Hill and Heathcote Lane.

6.7 The footpath adjacent to Harbury Lane had been constructed some years previously, as part of the Warwick Gates residential area to the north side of Harbury Lane, but was in a poor condition – being narrow, unsurfaced, unlit and with limited access points. The footpath was owned and managed by Warwick District Council. **Appendix 2** includes photos showing the poor condition of the footpath which made it unsuitable for all-year round use.

¹⁴ <https://www.warwickshire.gov.uk/cycling/cycle-route-schemes-consultation/8>

¹⁵ <https://api.warwickshire.gov.uk/documents/WCCC-1615347118-1243>

- 6.8 Timely delivery of Phase 1 was needed in order to support the opening in September 2024 of Oakley School off Oakley Wood Road (an all-through school for pupils aged 4-16, **(See map Appendix 4A)**). The footpath adjacent to Harbury Lane provided the safest and most direct walking, wheeling and cycling route for pupils living in homes both north and south of Harbury Lane, including access to upgraded signal-controlled crossings at the Tachbrook Road/ Oakley Wood Road junction (delivered between March and July 2024 as part of a S278 agreement between Oakley School and Warwickshire County Council).
- 6.9 Other proposed walking, wheeling and cycling connections on the south side of Harbury Lane (through the proposed Tachbrook Country Park, and between Duke of York Avenue and Tachbrook Road, **(see map Appendix 4A)**) were delayed due to land negotiations.
- 6.10 In July 2024, Warwickshire County Council entered into a Public Path Creation Agreement¹⁶ with Warwick District Council and in August 2024, work started on widening and surfacing of the footpath and installing ducting for lighting. These works were substantially completed by the end of December 2024. **Appendix 5** includes photos showing users of the new path during and after the construction period.

7. Harbury Lane Cycle Track Order process

- 7.1 The widening and surfacing of the footpath has created an attractive route for walking and wheeling. Because there is a hedge separating the path from Harbury Lane, it is considered a footpath rather than a footway. The legal process for formally allowing cycling along a footpath (as well as walking and wheeling) is to make a Cycle Track Order under Section 3 of the Cycle Tracks Act 1984.
- 7.2 The purpose of improving the footpath and making a Cycle Track Order were identified in the Statement of Reasons:
- Provide an all-weather route that can be used throughout the year and at all times of the day. The current path is narrow, poorly surfaced and unlit, and particularly difficult to use in the winter and during wet weather conditions
 - Provide a route that is sufficiently wide to enable use by both pedestrians and cyclists including families and people with disabilities.
 - Provide a durable route that caters for the growing demand in this area due to the rapid growth in new homes on both sides of Harbury Lane

¹⁶ <https://api.warwickshire.gov.uk/documents/WCCC-1615347118-1456>

- Create safer connections along Harbury Lane to link between housing and the new schools – Heathcote Primary School (Garrett Drive) and Oakley School (Oakley Wood Road)
- Promote walking and cycling and thereby support County Council policies on sustainable transport, health and wellbeing, net zero and climate change.

7.3 On 7 October 2024, in accordance with Regulation 3 of Cycle Tracks Act 1984 , WCC undertook a consultation with the relevant persons. Cycle Track Order letters and Plans were hand delivered to 60 residents adjacent to the footpath. Emails and/or letters were also sent out to stakeholders including Warwickshire Police, Warwick District Council, Bishops Tachbrook Parish Council, Royal Mail, National Grid, Severn Trent Water, BT, Vodafone, local businesses, local schools and groups representing people with protected characteristics. Information on the Cycle Track Order and a Plan were uploaded to the WCC web page¹⁷. Comments or representations were requested by 4 November 2024.

7.4 On 28 November 2024, the Unconfirmed Cycle Tracks Order for Harbury Lane was sealed and dated and in accordance with Regulation 4 of the Cycle Track Acts 1984 WCC ensure that,

- The press notice was published on 5 December 2024.
- A copy of the unconfirmed Order and associated Plan were available to view at the Main Reception, Shire Hall, Market Place, Warwick and online (copies of the Order, Notice, Plan and Statement of Reasons were uploaded to the WCC web page)¹⁸.
- On 3 December 2024, Cycle Track Order notices with plans were placed at either end of the footpath and at intermediate points.
- Letters with Plans were hand delivered to 60 residents adjacent to the footpath.
- Emails and/or letters were also sent out to those stakeholders consulted under Regulation 3.
- Objections or representations were requested by 10 January 2025.

7.5 Regulation 5 of the Cycle Tracks Act 1984¹⁹ states that any person wishing to object to an order shall send within the objection period, a written statement of his objection and of the grounds thereof. During the consultation period four residents of Achilles Close and a local campaign group, Cycleways²⁰, submitted objections to the Order.

¹⁷ <https://www.warwickshire.gov.uk/cycling/cycle-route-schemes-consultation/8>

¹⁸ <https://www.warwickshire.gov.uk/cycling/cycle-route-schemes-consultation/8>

¹⁹ <https://www.legislation.gov.uk/uksi/1984/1431/made>

²⁰ <https://www.cycleways.org.uk/>

7.6 The Cycleways objection related to the full length of the footpath. Their objection was that the footpath, being bounded by hedges and fencing, was too narrow for shared use. Their objection included their previous comments from the 2023 community engagement, requesting that the footpath should be widened to at least 4.5m. These comments were considered at that time, alongside comments from local residents who did not want very wide paths due to the impact on trees and hedges. After discussion with Cycleways, they withdrew their objection in February 2025.

7.7 The outstanding objections from the Achilles Close residents did not specifically object to the shared use of the footpath and cycling on the main section of footpath. The objections received all related to the proposed access point at Achilles Close and can be summarised as:

1. Concern over anti-social behaviour and potential criminal activity.
2. Access point is not required.
3. Increase in litter.
4. Private driveway / scheme is not within highway land.
5. Property values will depreciate.
6. Concern over impact of previous path construction works on private property

7.8 The Achilles Close residents who submitted objections were invited to attend a drop-in meeting on 4 February 2025 at Heathcote Community Centre to discuss their concerns with officers and councillors. Two residents emailed to say that they were unable to attend the meeting. The other residents did not attend.

7.9 None of the residents have indicated that they wished to withdraw the objections so it was assumed that they were still outstanding and the matter was referred to the Secretary of State to determine.

8. Objection theme 1: Concern over anti-social behaviour and potential criminal activity at Achilles Close

8.1 Objection - the creation of an open access point directly in front of homes could make them more vulnerable to trespassing and potential criminal activity, whereas the private driveway and surrounding vegetation have previously acted as a deterrent.

8.2 Response - There is no proposal to introduce the access point onto private driveways; all land proposed for the access point is Highways Maintainable at Public Expense (**Appendices 4B, 6, 7– showing access point, highway extent and s38 adoption of road by Highways Authority**). Both the footpath and highways have been used by the public for many years but are separated from the residential homes by a wooden fence (**see Appendix 8 – photos**). The

fence between the existing footpath and Achilles Close is part of the Highway and as such, can be removed at any time, under our powers as Highway Authority. As part of the statutory consultation, Warwickshire Police have been consulted and there were no objections. The provision of additional access points together with a wider, all-weather path, with lighting and shared use for walking, wheeling and cycling, will help to encourage more everyday use of the path for local journeys, all year round. Greater use of the footpath increases 'natural' surveillance, which acts as a deterrent to antisocial and criminal activity. Some bushes may need to be cut back to provide clear access for all types of user and improve sightlines. Active Travel England states that, 'natural surveillance involves designing in a way that ensures people can see in and out of an area. For example, an area with poor natural surveillance would be one with narrow passageways, hidden corners or limited exits and entries'.²¹

9. Objection theme 2: Access point at Achilles Close is not required.

9.1 Objection - there is no need for an additional access point along the path as those that have been in place since the houses were built over 20 years ago are more than adequate. The proposed access point provides no evident benefit to immediate or surrounding residents.

9.2 Response - The area around Harbury Lane has seen considerable development in recent years including new homes, shops, primary school and secondary school. The paths around the estate now connect into a wider network of paths and crossing points. These changes have increased the level of demand for using and accessing these paths, including from residents adjacent to the path who need to travel to the new schools and shops. **(See Appendix 4A)**

9.3 The nearest alternative access points onto the path from Achilles Close heading west is at Cicero Approach (approximately 510m) and heading east is at Reignier Place (approximately 170m). By opening up more access points onto the upgraded footpath at Shylock Grove, Trinculo Grove, Laertes Grove and Achilles Close **(shown on plan, Appendices 4A, 4B)**, Warwickshire County Council is trying to make them as accessible as possible for all users. This includes families with young children and people with mobility impairments, who may be discouraged by longer routes. The removal of barriers onto the paths enables people to have more direct walking, wheeling and cycling routes which should help to reduce reliance on private motor vehicles for short journeys. **(appendices 1, 4A)**

²¹ <https://www.activetravelengland.gov.uk/planning-active-places/natural-surveillance>

- 9.4 The proposed access points at Shylock Grove, Trinculo Grove, Laertes Grove and Achilles Close (***shown on plan, Appendices 4A and 4B***) enable the eastern section of footpath to be more closely connected to homes and schools. No additional access points are proposed on the western section of footpath because there are already existing access points at the Miranda Drive cycle track, Tamora Close and Cranmer Grove (***See Appendices 3, 4B***).
- 9.5 The location of the access point within Achilles Close (***as shown in Appendices 8, 4A and 4B***) has been proposed to connect directly with the existing footway around the eastern side of the turning head. This would provide people walking and wheeling with a safe and continuous route and enable people on cycles to use the existing dropped kerb to comfortably leave or rejoin the carriageway. This position also avoids removal of a tree between the fence and highway.
- 9.6 If the Cycle Track Order is not confirmed, Warwickshire County Council would still consider adding the proposed access points for pedestrian use, as part of the footpath improvements, using their discretionary powers under the Highways Act 1980.

10. Objection theme 3: Increase in litter at the access point at Achilles Close

- 10.1 Objection - that more rubbish will be left by the access point by the school children.
- 10.2 Response – this objection is not considered to be relevant to the Cycle Track Order or provision of the access point at Achilles Close. The footpath is already being used by school children and additional litter bins were installed in 2025 by Warwick District Council.

11. Objection theme 4: Changes to Achilles Close private driveway / scheme is not within highway land

- 11.1 Objection - that a section of Achilles Close has always been considered private and has never been adopted or maintained by the council. One resident stated that they had invested considerable time and resources in maintaining the bushes and plants adjacent to this area, which served as a crucial barrier for privacy and security.
- 11.2 Response - this objection is not considered to be relevant to the Cycle Track Order or provision of the access point at Achilles Close. Achilles Close is a public highway, up to and including the footway and carriageway turning head adjacent to the footpath. The proposal is to connect directly between the public highway section of Achilles Close and the public footpath. (***See Appendices 6, 7, 8***)

11.3 Sections either side of the highway are in individual private ownership. Some residents habitually park cars in the turning head of Achilles Close despite this being public highway (**Appendices 6, 7 & 8**)

12. Objection theme 5: Property values at Achilles Close will depreciate

12.1 Objection - conveyancers advise that removing the private drive status and creating a communal access point can lead to property value depreciation.

12.2 Response - this objection is not considered to be relevant to the Cycle Track Order or provision of the access point at Achilles Close. There is no proposal to make any changes to private driveways. (**see Appendices 6,7 & 8**)

13. Objection theme 6: Concern over impact of previous path construction works on private property at Achilles Close.

13.1 Objection – this objection was related to concerns raised during construction works to widen and surface the footpath, in particular the impacts on a gully on a private drive.

13.2 Response – this objection is not considered to be relevant to the Cycle Track Order. The concerns were discussed between the objector and officers at Warwickshire County Council in person and via email correspondence, and then addressed by the County Council. The contractors were asked to clear away construction materials and reduce levels of soil by the fence at Achilles Close. Officers considered that the blockage of the gully that had been reported was due to accumulation of leaves on the private drive rather than run-off from the public footpath. The gully location is not on public highway so is the responsibility of the landowner.

14. Conclusion

14.1 The footpath subject to this Cycle Track Order is an important connection between homes and schools, supporting a growing community and delivering local and national policies to encourage more people to walk, wheel and cycle.

14.2 The community engagement in 2023 demonstrated support for the cycle track, lighting and new access points. There is ongoing support for the Harbury Lane Active Travel Connections project from councillors at Warwickshire County Council, Warwick District Council and Bishops Tachbrook Parish Council.

14.3 The improvement works that have already taken place are proving popular and are already being used for journeys to school, leisure trips and commuting.

14.4 The Cycle Track Order process has been undertaken diligently and reasonable steps have been made to communicate and engage with the objectors and to discuss their concerns. There is no objection to cycling on the main footpath; the only outstanding objections relate to a single access point to Achilles Close. This access point is seen as essential to achieve the wider benefits of the project, by enabling more direct connections between the footpath and local highway network, avoiding longer detours. The new access points will provide a substantial number of local residents with a safer and more direct route and thereby help to encourage local journeys by sustainable modes of transport.

6.1 The Council therefore invites the Inspector to recommend that this Order is confirmed.