

**PUBLIC INQUIRY FOR THE WARWICKSHIRE COUNTY COUNCIL (FOOTPATH ADJACENT TO
HARBURY LANE, WARWICK) CYCLE TRACK ORDER 2024**

**STATEMENT OF CASE
ON BEHALF OF WARWICKSHIRE COUNTY COUNCIL**

INTRODUCTION

1. This statement is produced on behalf of Warwickshire County Council (“the Council”) for a public inquiry by the Secretary of State to determine the unconfirmed Cycle Track Order (the “Order”) relating to the footpath adjacent to Harbury Lane, Warwick (“ the Footpath”)
2. The Council has identified the footpath north of, and running adjacent to, Harbury Lane as being a strategic route for the purposes outlined below, as part of a wider active travel project. It is upgrading this footpath (tarmac surface, widen to 3.0m and introduce street lighting at regular intervals) for approximately one kilometre, alongside Harbury Lane between Tachbrook Road and Garrett Drive, and proposes to convert the upgraded footpath to a shared use footpath/cycle track for use by pedestrians and cyclists in accordance with appropriate signage and markings. The route will be traffic-free.
3. The purpose of the improvements is to:
 - a. Provide an all-weather route that can be used throughout the year and at all times of the day. Prior to footpath improvements, the path was narrow, poorly surfaced and unlit, and particularly difficult to use in the winter and during wet weather conditions.
 - b. Provide a route that is sufficiently wide to enable use by both pedestrians and cyclists including families and people with disabilities.
 - c. 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
 - d. 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), including utilising upgraded signal-controlled crossings at the Tachbrook Road/Oakley Wood Road junction.
 - e. Provide a safe parallel route for cyclists along the strategic route of the 40mph Harbury Lane, which has on average almost 10,000 vehicles per weekday.
 - f. Provide connections with existing cycle tracks at Earl Rivers Avenue, Miranda Drive and Tachbrook Road, further linking residential areas and local amenities.
 - g. Promote walking and cycling and thereby support County Council policies on sustainable transport, health and wellbeing, net zero and climate change

4. Other proposed active travel connections to the south side of Harbury Lane have been delayed due to land negotiations. This makes it even more important for this active travel route and the Order to be made for the Council to be able to deliver national and local policies and increase active travel connections in the community. Two new schools serving the area lie to the south side of the Footpath and the Order route is important as it serves to increase connectivity between residential areas to the north and south of the Footpath and connecting existing traffic-free shared use routes to the schools, south of the Footpath.
5. The Footpath is Highway Maintainable at Public Expense (“HMPE”) and the Council, as the Highways Authority, is responsible for management of this. The Council is making the Footpath improvements using its statutory powers under sections 41 and 62 and complying with its general duty under s130 of the Highways Act 1980. In order to convert the Footpath to a shared use route including cycling, a Cycle Track Order is required to be made under section 3 of the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984/1431 (“the Regulations”).
6. Following a consultation with the relevant stakeholders under Regulation 3 of the Regulations, on 28 November 2024, the Order was made and sealed pursuant to the above legislative requirements.
7. A consultation under Regulation 4 of the Regulations was undertaken from 3 December 2024 and any objections or comments were invited to be made by 10 January 2025.
8. The Council received five objections in total, four from residents of Achilles Close and one from Cycleways, which has since been withdrawn. Four objections therefore remain, and the matter was referred to the Secretary of State on the 2 May 2025 for confirmation of the Order.
9. The objections received do not relate to the conversion of the footpath into a shared use cycle track facility. Instead, they relate to the proposed access point from Achilles Close to the existing footpath and the Council wishes it to be noted that it is likely that even if the Order is not confirmed, then the access point will be used as a pedestrian link to the improved Footpath for the reasons outlined above.
10. The proposed access point in question lies on land that is HMPE, linking existing public highways and the Council has the power under section 62 of the Highways Act 1980 to make provision for such an access point even in the absence of the Order.

BACKGROUND AND SCHEME DESIGN

11. Harbury Lane is located on the south side of Warwick and Leamington Spa and this area has seen increased development in recent years, including new homes, shops and schools. With increased development the Council must ensure it meets the demands of a growing population, provide inclusive access to all and support sustainable travel patterns for everyday journeys, and support a vibrant economy.

12. In 2021, the Council undertook a review of existing paths and active travel connections which established the Harbury Lane Active Travel Connections Project (“the Project”) to upgrade existing facilities and improve local connections.
13. The Project has evolved as a package of measures to upgrade existing paths and crossings, increasing active travel connections by delivering new footways, cycle tracks and crossing facilities. It has been considered and designed in line with local and national policy and guidance as below,
- a. 2020 Government publication ‘Gear Change’ providing a clear commitment to walking and cycling
 - b. 2020 Department for Transport guidance Local Transport Note (LTN) 1/20: Cycle Infrastructure Design particularly
 - i. The Core Principles ‘*coherent, direct, safe, comfortable and attractive*’
 - ii. Para 4.2.11 ‘*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)*’
 - iii. Para 8.1.2
 - ‘*Off-highway routes should be integrated with the wider network, with clear signing to and from adjacent areas, and properly constructed links between the off-road sections and the adjacent highways*’
 - ‘*On some routes access points may be far apart, and the alignment may be separated by level from its surroundings. This may lead to anti-social behaviour, crime and/or the fear of crime. Achieving a good level of social safety should be considered in the design process*’
 - ‘*For year-round utility cycling, a sealed surface is necessary (see Figure 8.1), and street lighting should be provided*’.
 - c. 2023 Government ‘Cycling and Walking Investment Strategy’ targeting 50% of all journeys in towns and cities to be walked or cycled by 2030.
 - d. Adopted in 2023, the Council’s Local Transport Plan (LTP4), its Core Strategy putting active travel at the top of its transport hierarchy. The LTP Active Travel Strategy includes specific policies to improve accessibility of travel options and provide better and safer routes to promote active travel.
 - e. In 2024, Warwickshire’s Local Cycling and Walking Infrastructure Plan (LCWIP) was adopted by the Council. The LCWIP reviews, updates and formalises the walking and cycling network plans for the main urban areas and sets out a prioritised cycling programme of delivery for cycling schemes for the next 10 years and beyond. This ensures high quality infrastructure and supports sustainable travel connections and patterns.
 - f. Active Travel England guidance and design review of proposals
14. In May 2022, the Council secured £1.4 million for the Project from Active Travel England and during August and September of 2023, the local community were invited to

comment on the preliminary designs. The responses demonstrated strong support for the Project as follows,

- a. 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'.
 - b. 83.9% agreed or strongly agreed with 'street lighting at regular intervals along upgraded footpath on north side'.
 - c. 84% agreed or strongly agreed with 'new access connections between footpath and residential streets'.
 - d. One third of respondents mentioned concerns about the current condition of paths and roads (17 in total).
15. This local engagement led to amendment of the design to include a further connecting section of footpath between Harbury Lane and Earl Rivers Avenue and to keep the width to 3.0 metres in order to retain as much vegetation as possible. In 2024, the Project formally became a 'Programmed' scheme in Warwickshire's LCWIP.
16. With the opening of the new Oakley School off Oakley Wood Road (for pupils aged 4-16 years), scheduled for September 2024, the Project was divided into two phases in order to deliver early footpath improvements and support the school opening as follows,
- a. Phase 1: the Footpath
 - b. Phase 2: Completing the missing links between Earl Rivers Avenue and the roundabout junction of Harbury Lane, A452 Europa Way, Gallows Hill and Heathcote Lane.
17. The Footpath was deemed to be in poor condition being narrow, unsurfaced, unlit with limited access points, having been built years ago as part of the Warwick Gates residential area to the north of Harbury Lane. The path was owned and managed by Warwick District Council.
18. On 29 July 2024, the Council entered into a Public Path Creation Agreement with Warwick District Council under section 25 of the Highways Act 1980, whereby the Footpath became part of the highway and maintainable at public expense by the Council.
19. In August 2024, the Council started its improvements of the footpath using its statutory powers under the Highways Act 1980.

THE CYCLE TRACK ORDER

20. The Order's specific measures under the Project are:

- a. **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 the Council's public sector duties on equality and people with protected characteristics.

- b. **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.
- c. **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.
- d. **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.

21. On 7 October 2024, the Council undertook a consultation with the relevant persons, as per requirements of Regulation 3 of the Regulations.

22. On 28 November 2024, the Order for Harbury Lane was sealed and dated and the Council complied with Regulation 4 of the Regulations as follows;

- a. The press notice was published on 5 December 2024.
- b. 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)
- c. On 3 December 2024, Cycle Track Order notices with plans were placed at either end of the footpath and at intermediate points.
- d. Letters with Plans were hand delivered to 60 residents adjacent to the footpath.
- e. Emails and/or letters were also sent out to those stakeholders consulted under Regulation 3.
- f. Objections or representations were requested by 10 January 2025.

23. The Council received five objections in total, four from residents of Achilles Close and one from Cycleways, a local campaign group, promoting cycle use within the Warwick District, which has since been withdrawn.

24. The objectors from Achilles Close have been corresponded with and efforts have been made by the Council to understand and address their concerns. All were invited to a drop-in meeting on the 4 February 2025 at the local community centre to discuss their concerns with officers and councillors. Two residents emailed in advance to say that they would not be attending the meeting and the other two did not attend.

25. The objectors were informed on 13 February 2025, by email that the matter would progress to confirmation by the Secretary of State.

OBJECTIONS

1: Concerns over anti-social behaviour and potential criminal activity due to the access point on Achilles Close

26. The objector argues that the access point in front of homes could make them more vulnerable to trespassing and criminal activity and that removal of vegetation and private driveways will remove existing deterrents.
27. There is no proposal to introduce an access point onto private driveways as the Council will show that all land involved is HMPE and therefore the Council can use its powers under the Highways Act 1980 to make improvements including provision of further pedestrian link points and remove any deemed obstructions on the highway.
28. The Footpath and footway on Achilles Close have been used by the public for years but there is currently a wooden fence and vegetation separating the two at the location of the access point.
29. The Council will show there is no evidence to suggest that an access point will increase criminal or anti-social behaviour for the residents of Achilles Close, in fact quite the opposite as follows,
- a. Warwickshire Police have been consulted as part of the statutory process and have not made any objections regarding crime.
 - b. Increased use of an all year round, well-lit and spacious footpath with minimal vegetation removal will increase natural surveillance and act as a natural deterrent to anti-social behaviour and crime.

2: Access point at Achilles Close is not required.

30. The objector states that there is no evident benefit to the immediate or surrounding residents and that therefore an additional access point is not required, given that it has been adequate as it is for over 20 years.
31. The Council will show that there has been considerable development in the area over recent years with new houses, shops, primary and secondary schools and therefore users and demand for access has increased. The estate that Achilles Close lies within is now surrounded by further development and the existing estate paths now connect into a now wider network of paths and crossing points.
32. The alternative access points for Achilles Close to the Footpath are Cicero Approach heading west (approximately 510m) and heading east, Reigner Place (approximately 170m). However, the Council is trying to increase access for all users and meet increasing demand from users. The removal of barriers enables more direct and safer routes and reduces reliance on motor vehicles for short journeys by increasing the local active travel connections.

33. The access point on Achilles Close in particular enables the eastern section of the Footpath to be more closely connected to new residential areas and the new schools.
34. The location of the access point on Achilles Close connects directly with the existing footway and so will provide a safe and continuous route to the Footpath. An existing dropped kerb will enable those wheeled users to comfortably leave or rejoin the carriageway. It's proposed location also avoids the removal of an existing tree.

3: Increase in litter at the access point at Achilles Close

35. The objector states that the increase in school children using the access point will lead to an increase in litter.
36. This objection is not considered to be relevant to the Order or the access point. The Footpath is already used by school children; litter control is managed by Warwick District Council who have already installed additional litter bins in the area.

4: The access point at Achilles Close is not within highway land

37. The objector states that the section of Achilles Close being changed by the access point has always been considered private land and has never been adopted or maintained by the Council. Another objector makes the point that they have maintained the vegetation in the area and that it serves as a crucial barrier for privacy and safety.
38. In November 1998, a s38 Highways Act 1980 Agreement was entered into between Warwick District Council and the developers of the residential estate, which clearly shows that Achilles Close was adopted as public highway up to and including the footway and carriageway turning head, adjacent to the Footpath.
39. Pursuant to Recital 4 of the agreement, Warwick District Council entered into the agreement as agent for Warwickshire County Council, the latter being the Highways Authority. The Council has therefore always been the Highways Authority for the public highway on Achilles Close but the District Council maintained the land on their behalf. In circa 2003, when the agency agreement between the Council and the District Council was not renewed, the Council took on full maintenance responsibility for the land as Highways Authority.
40. The access point will connect the public highway on Achilles Close directly to the public Footpath. The Footpath is HMPE and the Council is responsible for its provision and maintenance following the Public Path Creation Order made in 2025. There is no private land between the two connections that will be utilised.
41. Residents have private driveways but these will not be impacted by the provision of the access point as only existing public highway will be connected.

42. Minimal vegetation will be removed as deemed necessary, but this is on highway land and therefore the Council has powers to remove this if necessary, as before.

5: Property values at Achilles Close will depreciate

43. An objection has been made that if the resident's private drive status is removed, it will lead to property value depreciation.
44. Again, the Council will show that there is no proposal to make any changes to private driveways, only public highway land, therefore this objection is not valid.

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

45. This objection has been raised in relation to the Footpath improvement works regarding debris being left and blockage of a gulley on their private drive.
46. The Council has addressed the issues which were temporary in nature. The debris has been removed by the contractors and the blocked gulley was considered to be due to leaves, not related to the Footpath, and being the property owner's responsibility.

CONCLUSION

47. The Footpath is an important strategic connection between residential development, amenities and schools, supporting a growing community. The Footpath improvements and Order together ensure that the Council can deliver on its wider commitment to active travel, in line with local and national policy.
48. 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.
49. The outstanding objections do not relate to the conversion of the existing footpath to a cycle track but to a single access point on Achilles Close and regardless of whether the Order is confirmed or not, the access point will likely be provided under the Council's Highway Authority powers, to deliver the Project and its wider benefits to the community. The access point is deemed essential to increasing more direct connections between the local footpath and highway network, providing a significant number of residents with safer and more direct routes, therefore encouraging local journeys to use sustainable forms of transport.
50. The Council therefore will invite the Inspector to recommend that the order is confirmed.

List of Documents

Proof of Evidence and appendices

Unconfirmed Cycle Track Order and plan

LCWIP, specifically Part 2 Warwick District Plan

LTP4

LTN 1/20, specifically Chapters 4 and 8

Summary of pre-consultation engagement November 2023

Letters of support

Correspondence with objectors, including Reg 4 letters

Highway extent plan including Land Registry details

S38 agreement and plan for Achilles Close

S25 Creation Agreement for Footpath