

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

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

**Bundle references in the form [B/Pg/Para]*

INTRODUCTION

1. These Closing Submissions should be read together with Warwickshire County Council's ("the County Council") Opening Statement to avoid unnecessary repetition together with Ms Kennedy's proof of evidence and the written representations of County Councillor Matecki, District Councillor Day and Bishop's Tachbrook Parish Council.
2. The County Council's overarching submissions are that:
 - a. the Warwickshire County Council (Footpath adjacent to Harbury Lane, Warwick) Cycle track order 2024 ("the Order") is vital to delivering the County Council's local active travel strategy and consistent with national policy goals of improving active travel infrastructure. The Order has been properly consulted on and the final design has been responsive to local engagement and feedback;
 - b. there are no objections regarding the principle of the Order to create a shared use cycle track by improving and converting an existing footpath. The remaining three objections centre around the proposed location of an access point on Achilles Close and are not valid objections;
 - c. there are no proposals in the Order to utilise any land outside of the highway extent. The County Council reinforces that there is local support and demand for this cycling route and wishes to formally allow cycling along the full length of a well used footpath and at all the access points proposed as per the Order. In the event that the Order is not confirmed, the County Council will, as a last resort, consider using its statutory powers under the Highways Act 1980 to provide access points along the footpath to improve and create pedestrian links to increase connectivity within the local highways network.

THE SCHEME

3. The Order is required to increase connectivity in a growth area between new and older housing on the north and south sides of Harbury Lane and to provide strategic connections within a wider active travel network between residential areas, schools, workplaces and local amenities.

4. The route has a number of clear benefits:
 - a. It achieves best-practice under LTN 1/20 cycle infrastructure design guidance including providing segregation from motor vehicles and a 3m wide all-weather tarmacked route;
 - b. This segregation provides a safer route for cyclists, pedestrians and wheeled users which is particularly important as the route will be used by school children and families travelling to school;
 - c. It provides a convenient, direct and attractive traffic-free facility for all ages and abilities of cyclists;
 - d. It provides connection to existing cycle tracks, further linking other residential areas and amenities in the wider community;
 - e. Its location will mean that the residents in both new and older housing developments around Harbury Lane will receive an immediate benefit;
 - f. It provides a durable route that caters for the growing demand in this area of continued rapid growth in new homes and amenities on both sides of Harbury Lane;
5. The proposals simply involve upgrading a footpath that is already well used and linking it further to existing highways and active travel routes.
6. The Scheme is supported by:
 - a. The County Council **[B/92]**;
 - b. The local District Council **[B/91; 171-178]**;
 - c. The local Parish Council **[B/96]** who also made oral representations in support, reinforcing the importance of the scheme to the local community and that it is in accordance with their Neighbourhood Plan.
 - d. The local community evidenced by the preliminary engagement **[B/154-170]**, the lack of opposition for the conversion to cycle track and the levels of use of the path since the footpath improvements were made **[B/126-130]**.
7. Cycleways, a local lobby group who withdrew their previous objection, provided oral representation to confirm that they were only currently concerned about the fact that lighting had not yet been installed and the scheme not completed.
8. There are three remaining objections. We find ourselves in this inquiry not because any of these are of particular merit but because the 1984 Act requires the highway authority to submit an opposed order to the Secretary of State for confirmation¹, who will usually require a local inquiry to be held².

¹ Section 3(1)(a) of the 1984 Act

² Regulation 6 of the Cycle Tracks Regulations 1984

THE OBJECTIONS

9. Despite it being raised by Mr Chowdhury that there was a lack of consultation [B/14], it is clear from Ms Kennedy's oral evidence and Proof of Evidence (PoE) that the County Council has fully complied in all its statutory obligations to consult throughout the process and to address any objections and concerns raised as follows;
- a. There was early local engagement on the preliminary designs and proposals in August and September 2023 [B/6/6.16.4; B/154-170]
 - b. A fully compliant Regulation 3³ consultation was undertaken. [B/107/7.3; B/7]
 - c. A fully compliant Regulation 4⁴ consultation was undertaken. [B/107/7.4; B/10]
 - d. All objectors were corresponded with and attempts to engage were made in order to address any concerns [B/6-79]
 - e. The County Council has acted openly and honestly at all stages of the process and all plans, consultations and associated documents have been made readily available on its website⁵

Objection 1: Whether the proposed access point at Achilles Close will increase anti-social behaviour and crime?

10. This objection is raised by Mr Chowdhury [B/13] and Mr Barrick [B/36] and was dealt with at Section 8 of Ms Kennedy's PoE [B/108,109/ 8.1-8.2] which makes clear that:
- a. There is no proposal to introduce the access point onto private land and to change the status of the property's private driveways. All proposals of the Order and connecting links involve Highway Maintainable at Public Expense only (**see objection 4 below at paragraphs 15-18**)
 - b. Warwickshire Police, as a statutory undertaker, has been consulted on the project and has not raised any objections with regard to anti-social behaviour or criminal activity.
 - c. The design will in fact act as a natural deterrent to deter anti-social behaviour and criminal activity.
11. The Scheme clearly aims to increase active travel network accessibility and connectivity all year round to local residents by encouraging the use of the existing footpath by provision of an all-weather, lit safe route, accessible to all. Increased use of the footpath and local network, with increased lighting and increased access/exit points, will in fact act as 'natural surveillance', a natural deterrent to anti-social behaviour and crime.
12. Minimal vegetation removal may be required, and part of the fence will be removed, for clear access for all users, but this aids the principle of 'natural surveillance' by improving sightlines in line with Active Travel England Guidance for design⁶.

³ Cycle Tracks Regulations 1984

⁴ Cycle Tracks Regulations 1984

⁵ <https://www.warwickshire.gov.uk/cycling/cycle-route-schemes-consultation/8>

⁶ <https://www.activetravelengland.gov.uk/planning-active-places/natural-surveillance>

13. The Scheme is in accordance with LTN 1/20 8.1.2 [B/234] which states that access points on a route far apart may lead to anti-social behaviour and/or crime. It supports the consideration of well spaced access points in the design process, to achieve a good level of social safety.

Objection 2: Whether the proposed access point at Achilles Close is necessary?

14. This objection is raised by Mr Chowdhury [B/14], Mr Bagri [B/29] and Mr Barrick [B/36] and is dealt with at Section 9 of Ms Kennedy's PoE [B/109-110/ 9.1-9.6] which makes it clear that the access point is required because:
- a. The area around Harbury lane has seen considerable development, which is continuing, including homes, schools and shops since the Achilles Close estate was built. The paths around the estate therefore now connect into a far wider network of paths and crossing points.
 - b. Increased development has naturally led to increased demand for using and accessing the local paths and the County Council wants to enable this and future plan for further development, in line with national and local policy.
 - c. The nearest alternative access points for residents on to the footpath are at Cicero Approach (approx. 510m) and, corrected by Ms Kennedy's oral evidence, Othello Avenue (approx. 200m), which mean the current network is not as accessible to all. Increasing the number of access points, including at Achilles Close will improve accessibility to all users.
 - d. An access point at Achilles Close in particular enables the eastern section of the footpath to be connected more closely to new homes and the new schools.
15. In terms of the design of the access point and its location on Achilles Close, it will simply provide a direct connection between the public footpath and the existing public footway on Achilles Close. This will provide,
- a. A safe and continuous route for all users, and a safe and comfortable route leaving and rejoining the carriageway for wheeled users by utilising an existing dropped kerb.
 - b. The avoidance of removal of a tree between the fence and highway, providing both privacy and attractiveness.

Objection 3: Whether the access point at Achilles Close will increase litter at this location be school users?

16. This objection is raised by Mr Bagri [B/29] and is dealt with at Section 10 of Ms Kennedy's PoE [B/110/ 10.1-10.2] where it is clear that this is not considered to be relevant to the Order because:
- a. The path is already used by school users adjacent to the proposed location
 - b. Litter is not considered an issue and is the responsibility of Warwick District Council, who have already installed additional litter bins along the path in response to increased use.

Objection 4: Whether the proposed access point at Achilles Close is within highway land or private driveway?

17. This objection is raised by Mr Chowdhury **[B/13]** and is dealt with at Section 11 of Ms Kennedy's PoE **[B/110-11/ 11.1-11.3]**. There has been no evidence submitted to substantiate this claim.
18. This is ultimately a question of law. A local highway authority may only make an order to convert a footpath into a cycle track in respect of footpaths for which they are the Highways Authority, under s3 of the Cycle Tracks Act 1984. Ms Kennedy's evidence is clear:
 - a. The Highway Extent Plan **[B/131]** is a map of the highway showing land that is maintainable at public expense;
 - b. The land captured by the Order is shown on that plan;
 - c. The plan was created with information held by the County Council's Searches team as follows:
 - i. The carriageway, footways and turning head on Achilles Close became publicly maintainable highway pursuant to an agreement made under s.38 of the Highways Act 1980 between Warwick District Council and the landowner on 6 November 1998. **[B/132-144]** At that time, the District Council was acting as an agent for the County Council, as the Highway Authority, but in 2003, the agency agreement between the councils was not renewed, therefore the County Council has been responsible for maintaining the land since. The County Council has always been the Highways Authority for this land since the s38 agreement in 1998.
 - ii. The footpath adjacent to Harbury Lane became publicly maintainable highway pursuant to an agreement made under s.25 of the Highways Act 1980 between the County Council and the landowner, Warwick District Council and the landowner on 29 July 2024. **[B/171-178]**
19. The County Council is of no doubt that it is the Highway Authority for all of the land covered by the Order such that it has the power to make the Order. The objection can therefore go nowhere.
20. If the Order is not confirmed, the County Council will consider using its other discretionary powers under the Highways Act 1980 to improve the highways as it sees fit including making a pedestrian access point on Achilles Close on highway extent land under s62 of the 1980 Act and to comply with its general duty to assert and protect the rights of the public to use and enjoy the highway under s130 of the Act.

Objection 5: Whether the proposed access point at Achilles Close will depreciate property?

21. This objection has been raised by Mr Chowdhury **[B/13-14]** and is dealt with at Section 12 of Ms Kennedy's PoE **[B/111/ 12.1-12.2]** where it is clear that this objection is not

valid as there is no proposal under the Order to remove the resident's private drive status. The access point merely connects existing highways over highway extent land.

Objection 6: Concerns regarding the impact of the path improvement works on private property on Achilles Close.

22. This objection was raised by Mr Purcaru [B/69] and is dealt with at Section 13 of Ms Kennedy's PoE [b/111/ 13.1-13.2] Mr Purcaru has since withdrawn his objection to the access point itself and these outstanding concerns are not considered relevant to the Order because;
- a. They relate to the path improvement construction works and the contractors impact which are not relevant to the Order itself.
 - b. The concerns have been addressed and largely rectified. The objector has raised an outstanding issue regarding soil heaping and this is being addressed with him currently, via the contractors.
 - c. The blocked gully on his drive was found not to be due to the works nor the responsibility of the County Council to unblock and maintain.

CONCLUSION

23. As the use of motor vehicles has increased and, on certain parts of the highway, has come to dominate carriageway traffic, legislation such as the 1984 Act has been introduced to protect and encourage cyclists' use of highway land and minimise potential conflict between them and motor vehicles.
24. This is a well designed scheme in which the County Council is seeking to utilise an existing footpath to enable it to deliver high-quality active travel infrastructure that can continue to support an area of rapid growth. Such a goal is consistent with national policy.
25. Ms Kennedy's evidence has dealt with every objection raised by the objectors and the County Council has made it clear that in the event of the Order not being confirmed, then it will still exercise its powers under the Highways Act 1980 to provide pedestrian access points along the improved footpath along the route. When this and the evidence provided are considered against the benefits that the Scheme is expected to deliver, the Inspector is respectfully invited to recommend confirmation of the Order.

Dated 18 November 2025

PRU JAQUES

Solicitor

Warwickshire County Council