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# Report to the Secretary of State for Transport

by **Johanna Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State for Transport

Date: 2 March 2026

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## CYCLE TRACKS ACT 1984

**Warwickshire County Council (Footpath adjacent to Harbury Lane,  
Warwick) Cycle Track Order 2024**

Inquiry held on 18 November 2025  
Inspection carried out on 17 November 2025

File Refs: NATTRAN/WM/CYCLETACK/107

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**File Refs: NATTRAN/WM/CYCKETRACK/107****Case Details**

- The Order was made under section 3(1) of the Cycle Tracks Act 1984 and is known as the "Warwickshire County Council (Footpath adjacent to Harbury Lane, Warwick) Cycle Track Order 2024" (sic).
- Warwickshire County Council submitted the Order, dated 28 November 2024, for confirmation to the Secretary of State for Transport.
- If confirmed, the Order would authorise Warwickshire County Council to upgrade a 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 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.
- There were 3 objections outstanding at the time of the Inquiry.

**Summary of Recommendation: That the Order be confirmed with modifications.****Preamble**

1. I was appointed to hold a public local Inquiry into the above Order, and to report to the Secretary of State for Transport.
2. Whilst there were three outstanding objections at the time of the Inquiry, these did not relate to the conversion of the existing footpath to a shared use track. The objections related to the access to Achilles Close and are addressed within this report.
3. The sections of public footpaths that are to be converted into a shared footpath and cycle track of 3 metres width under the "Warwickshire County Council (Footpath adjacent to Harbury Lane, Warwick) Cycle Track Order 2024" (the Order) and run for approximately one kilometre behind a hedge adjacent to the north side of Harbury Lane between Tachbrook Road and Garrett Drive.
4. Five written objections to the Order were received from J Chowdhury, CS Bagri, M Barrick, M Purcaru and Cycleways. Mr Rodney King of Cycleways appeared at the Inquiry as an interested party, Mr Keith Wellsted, Chair of Bishops Tachbrook Parish Council also appeared at the Inquiry as an interested party.
5. The main grounds for objection to the Order related to concerns about anti social behaviour and criminal activity at Achilles Close, litter dropping at the Achilles Close access point, the need for an access point from Achilles Close, impact on what is perceived to be a private driveway at Achilles Close, the impact on property values of those properties at Achilles Close, and the effect of previous construction works on Achilles Close.
6. In support of the Order representations were received from Councillor Andrew Day and County Councillor Jan Matecki.
7. I opened the Inquiry on Tuesday 18 November 2025 at Shire Hall, Market Place, Warwick, CV34 4RL. I made unaccompanied inspections of the cycle track route and the surrounding highway network between 1500 to 1600 hours on Monday 17 November.

8. Ms Pru Jacques, Solicitor for Warwickshire County Council (the Council), confirmed compliance with all the necessary statutory formalities<sup>1</sup> at the start of the Inquiry.
9. This report contains a brief description of the site and surroundings, the main issues for consideration, and my conclusions and recommendations. Lists of Inquiry appearances and documents are given in Annex 1.

### **Procedural Matters**

10. At the time of the Inquiry some works had been carried out to the existing footpath. These include the widening and surfacing of the footpath. However, photographs were provided to provide a visual aid to assess the previous condition of the footpath.

### **Description of the Site and Surroundings**

11. The route subject of the Order (hereafter the "Order Scheme") is an existing footpath, which was previously unmade. The footpath had been widened at the time of my site visit and provides a shared pathway for pedestrians and cyclists. It runs parallel to Harbury Lane, separated from the highway by extensive vegetation which creates a physical and visual boundary. The houses adjacent to the footpath are separated by fencing and vegetation along the length of the path, with some connections incorporated, allowing for access to the footpath, which is clearly well used. Achilles Close is one of a number of residential clusters adjacent to the footpath, at the present time an access point has not been provided, the footpath is separated in the same manner as along the remainder of the footpath.
12. The proposed Harbury Lane Cycle Track forms part of wider measures to upgrade existing footpaths and facilities, to deliver new footways, cycle tracks and crossing facilities to improve and increase local active travel connections, known as the Harbury Lane Active Travel Connections Project.
13. The 3 metre wide Order Scheme route would largely follow the historic, unmade footpath. Photographs contained within Appendix 2 of the Proof of Evidence of Alison Kennedy demonstrate the condition of the footpath prior to work being carried out. At the time of the Inquiry, whilst on my site visit, I witnessed the shared path being well used by residents on foot and cycling.

### **The Case for Warwickshire County Council**

The material points were<sup>2</sup>:

14. The project evolved as a package of measures to upgrade existing paths and crossings, increasing active travel connections in line with national and local policy.
15. The 2020 Government publication "Clear Change" provided a commitment to walking and cycling. During 2022 and 2023, Active Travel England (ATE) was established 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

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<sup>1</sup> INQ1 OPENING

- how to improve walking, wheeling, and cycling provision, and to increase skills and capacity within local authorities to deliver high quality schemes.
16. The Government's Cycling and Walking Investment Strategy (CWIS) sought to promote walking and cycling as alternative modes of transport, setting a target of 50% of all journeys in towns or cities to be walked or cycled by 2030, and including 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.
  17. In May 2022, the Council secured £1.4million for the project which included works relating to the Order from ATE.
  18. The Council's Local Transport Plan (LTP4), adopted as part of its core strategy in 2023, put active travel at the top of its transport hierarchy. Following from this, the Council adopted the LCWIP in 2024, and further to local engagement the works that are the subject of the Order formally became a programmed scheme in the LCWIP in 2024.
  19. With the opening of the Oakley School scheduled for September 2024, identified works were divided into two phases with the first relating to the footpath, and the second completing the missing links between Earl Rivers Avenue and the roundabout junction of Harbury Lane, A452 Europa Way, Gallows Way and Heathcote Lane. The route was designed in accordance with national guidance including the Department for Transport's Local Transport Note (LTN) 1/20 'Cycle Infrastructure design'. LTN 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.
  20. 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. In August 2024 the Council started its improvements of the footpath using its statutory powers under the Highways Act 1980.
  21. The combined footpath and cycle track provides connections with existing cycle tracks at Earls Rivers Avenue, Miranda Drive and Tachbrook Road which link with residential areas and local schools.

### **The Case for Supporters**

The material points were:

**Councillor Andrew Day and County Councillor Jan Matecki** (written)

22. The initiative represents a significant step forward in improving active travel infrastructure in the area. The conversion of the existing footpath into a shared use cycle track would provide safer, more accessible, and sustainable travel options for residents, particulate those commuting between homes, schools and local amenities. The proposed improvements, including widening, surfacing, and lighting, will ensure the route is useable year-round and in all weather conditions. With growing residential development in the surrounding

area, the need for enhanced walking and cycling connections is more important than ever.

23. The scheme would also contribute to better air quality, safer school routes, and progress towards Warwickshire's net-zero ambitions.

24. The representations of the supporters endorse the evidence put forward by Alison Kennedy on behalf of the Council.

### **The Case for Objectors**

#### **(Written)**

The material points were:

25. 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.

26. That the access point will result in an increase of littering associated with the use of the access by those walking to and from school.

27. 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.

28. 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 resource in maintaining the bushes and plants adjacent to this area, which served as a crucial barrier for privacy and security.

29. Advice has been given by conveyancers that removing the private drive status and creating a communal access point can lead to property devaluation.

30. Concern over the impact of previous path construction works to widen and surface the footpath, with particular regard to the impacts on a gully on a private drive.

### **Inspector's Conclusion**

31. Having regard to the representations, I have reached the following conclusions.

32. Section 3 of the Cycle Tracks Act 1984 (the Act) does not require any statutory tests to be met in deciding whether or not to confirm Orders to convert footpaths into cycle tracks. Once an Order is confirmed by the Secretary of State a cycle track constitutes development that will have deemed planning permission by virtue of s.3(10) of the Act.

33. All of the land subject of the Order is within the highway boundary. The Council has discretionary powers under the Highways Act 1980 to make footpath improvements, and therefore the works to the access could be carried out in any event.

34. All land proposed for the access point is highway land as shown in Appendix 4B of Ms Kennedy's proof of evidence which delineates the extent of the highway land and s38 adoption of the road by the Highway Authority. The footpath has been used by the public for a number of years, however it was separated from the adjacent highway and residential homes by a wooden fence. The fence between the existing footpath and Achilles Close is part of the highway and can be removed using the Council's highway powers.
35. Notwithstanding concerns raised in objection I have no reason to consider that the provision of the cycle track would result in any significant increase in noise or littering. In respect of anti-social behaviour and potential criminal activity at Achilles Close, Warwickshire Police were consulted and raised no objections to the proposal. With regard to anti-social behaviour, no incidents have been referred to by local residents in respect of the historic use of the path. Moreover, it is currently unlit whereas the proposed cycle track would lighting and greater public use by cyclists and walkers. This would result in greater natural surveillance of the route by users and hence there would be less likelihood of anti-social behaviour occurring than currently. There is nothing to lead me to conclude that the access way to Achilles Close would have an effect on the level of litter dropped. Bins were installed along the footpath in 2025, and no complaints regarding this issue have been put before me.
36. Warwickshire Police were consulted and raised no objections to the proposal. With regard to anti-social behaviour, no incidents have been referred to by local residents in respect of the historic use of the path. Moreover, it is currently unlit whereas the proposed cycle track would lighting and greater public use by cyclists and walkers. This would result in greater natural surveillance of the route by users and hence there would be less likelihood of anti-social behaviour occurring than currently. There is nothing to lead me to conclude that the access way to Achilles Close would have an effect on the level of litter dropped. Bins were installed along the footpath in 2025, and no complaints regarding this issue have been put before me.
37. Representations were made that there is no need for the additional access point at Achille Close, with reference to the historical use of, and access to, the path. Whilst historically this may have been the case, it is clear that the area has seen considerable development in recent years and the paths around Harbury Lane now connect to a wider network of paths and crossing points, an increase in demand and use requires the provision of works to allow increased accessibility and interconnectivity.
38. The nearest alternative access point onto the path when heading west would be at Cicero Approach (approximately 510 metres from Achilles Close), and east would be Reignier Place (approximately 170 metres from Achille Close). An increase in access to include points at Shylock Grove, Trinculo Grove, Laertes Grove and Achilles Close would ensure that the footpath and cycle way is genuinely an accessible and alternative route for residents.
39. Concerns were raised during construction works to widen and surface the footpath. These related to the impacts on a gully on a private driveway. The Council confirm that these concerns were discussed between the objector and Council officers in person and via email, and construction materials were cleared along with a reduction in levels of soil by the fence in order to address the concerns raised. In any event, the gully is located on a private driveway,

and I am satisfied with the Council's conclusion that the blockage is considered to be caused due to an accumulation of leaves.

40. I note that one resident has stated that they invested considerable time and resources in maintaining the plants and bushes adjacent to their property, and that therefore the works are not within highway land. I am satisfied that Achilles Close is a public highway up to and including the footway and carriageway turning head adjacent to the footpath, and that the access would connect directly the highway section of Achilles Close and the public footpath. It is apparent that sections either side of the highway are in private ownership, and that some residents park cars in the turning head of Achilles Close. However, these matters do not impact the ownership of the access way.
41. LTN 1/20 is the most up to date best practice guidance for the design of cycle tracks. The design of the Order Scheme meets the core principles of LTN 1/20, providing a safer, more comfortable and desirable alternative to using the busier main roads and would form part of a larger network of cycle track routes. It would allow the provision of a facility that would significantly encourage cycling along a route that cyclists already informally utilise. Confirmation of the Order would also fulfil part of the programme of planned cycle routes within the LCWIP (2024) and would accord with national and local policies that seek to increase cycling as a means of improving public health, cutting carbon emissions and reducing congestion. I have considered the objections to the scheme but none of these, either individually or cumulatively, lead me to consider that the Order should not be confirmed. Therefore, having regard to all of the matters raised, I conclude that the Order should be confirmed.

### **Recommendation**

42. I recommend that the "Warwickshire County Council (Footpath adjacent to Harbury Lane, Warwick) Cycle Track Order 2024" be confirmed.

*Johanna Ayres*

INSPECTOR

**ANNEX 1**

**APPEARANCES:**

For Warwickshire County Council:

Pru Jacques, Solicitor

Who called:

Ms Alison Kennedy, Principal Transport Planner; MTP (Master of Town Planning)

Mr Stephen Rumble: Service Manager, Transport Planning

Interested Parties:

Mr Keith Wellsted, Chair of Bishops Tachbrook Parish Council

Mr Rodney King, representative of Cycleways

**DOCUMENT LIST**

INQ1 Inspector's Dossier

INQ2 Opening submissions on behalf of Warwickshire County Council

INQ3 Closing submissions on behalf of Warwickshire County Council