

Shared use of footpaths with cyclists

Draft advice note for consultation

October 2017



NB: Following consultation and redrafting of this advice note, an executive summary will also be available to download.

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INTRODUCTION

1. Ramblers policy on shared use routes

Ramblers' policy on shared use routes is that upgrading a footpath or footway to bridleway or cycle track status must be considered on a case-by-case basis, not by way of universal conversion. Decisions must be based on an objective consideration of a range of factors. While the Ramblers will work with other user groups to improve the path network for the benefit of all, it will resist changes which are detrimental to the interests of walkers.

2. Context

Walking accounts for the majority of all visits to the natural environment¹. However, statistics² also point to the increasing popularity of cycling as part of daily routines and for recreational purposes. This is a trend that is likely to continue in the future, particularly given the Government's ambition to make cycling and walking the natural choices for shorter journeys, or as a part of longer journeys³.

While cyclists have the right to use a carriageway, it is an offence to cycle on a footway (pavement). Cyclists have the right to use bridleways, cycle tracks, restricted byways and byways open to all traffic (BOATs). They have no right to cycle on a public footpath. To do so may constitute an act of trespass against the landowner but it is not a criminal offence. Taken together, this means that cyclists currently have access to approximately a quarter of all rights of way in England and Wales^{4,5}.

Existing legislation enables highway authorities to provide additional shared use routes, defined by the Department for Transport as those designed to accommodate both pedestrians and cyclists⁶. This can be achieved either through the conversion of footways and public footpaths into cycle tracks, or through the creation of bridleways on routes previously designated as public footpaths.

The combination of increased political support and growing demand, coupled with the existence of legislation facilitating the provision of cycling infrastructure, could have significant consequences for Britain's path network and its nine million walkers.

3. Purpose and structure of the advice note

This advice note is designed to assist Ramblers volunteers in the evaluation of proposals from highway authorities to create shared use routes for walkers and cyclists. It should be used in conjunction with volunteer knowledge and experience of local conditions and circumstances to ensure that, as far as is possible, these proposals are not detrimental to the interests of walkers.

¹Most recent MENE statistics to follow.

²Most recent ONS and NE statistics to follow.

³Department for Transport (2017) Cycling and Walking Investment Strategy

⁴http://www.cyclinguk.org/sites/default/files/file_public/public-footpaths5ebrf.pdf

⁵With recent proposals set out in [Taking Forward Wales' Sustainable Management of Natural Resources consultation](#), significant changes may take place concerning the path network in Wales.

⁶Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists

Part one summarises the four most common scenarios which result in more opportunities for cyclists. It includes the legislative context and order-making process for each, in addition to any requirements and recommendations relating to public consultation. These scenarios are as follows:

- Conversion of a footway (pavement) alongside a road into a cycle track.
- Conversion of a public footpath into a cycle track.
- Conversion of a public footpath into a bridleway.
- Permissive action by a landowner to allow cycling on paths.

Part two outlines the key considerations which should be taken into account in the evaluation of shared use proposals. This has been informed by a review of available resources from government departments, agencies and charities. While the majority of these are more focused on shared use routes in built-up areas, the principles they contain are equally applicable in other contexts. These are referenced throughout as footnotes and also appear in part four, alongside further reading.

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PART ONE: LEGISLATION, CONSULTATION AND ORDER-MAKING

1. Background

Part one of this advice note provides a summary of the following information for each of the four scenarios outlined on page 4.

- Legislation.
- Consultation.
- Order-making process, where applicable.
- Further information.

Compulsory requirements in terms of consultation vary depending on the legal process used for the creation of shared use routes. It is widely accepted that frequent and thorough stakeholder engagement should take place, regardless of the obligations set out in legislation. For example, the Department of Transport (DfT) states in Chapter 8 of its Local Transport Note 1/12⁷ that:

While stakeholder involvement tends to become significant once there is at least a basic design to consider, it can be very useful to engage with interested parties such as local community groups throughout. Early consultation with key groups can be particularly useful.

Early, meaningful consultation which provides all stakeholders with as much information as possible about the proposed route is critical. It will ensure that the highway authority receives feedback which is well-informed and enables them to arrive at a judgement as to whether the route in question should proceed.

⁷Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists

2. Conversion of a footway alongside a road into a cycle track

This scenario concerns the conversion of footways, more commonly known as pavements, into cycle tracks alongside carriageways.

a. Legislation

Section 65⁸ and section 66⁹ of the Highways Act 1980 give highway authorities the power to construct, or alter and amend, cycle tracks in or alongside roads. Section 66 allows highway authorities to 'remove' the appropriate part of the footway and 'construct' a cycle track under section 65.

b. Consultation

There is no legal requirement for highway authorities to consult on proposals to convert footways into a cycle tracks. However, as noted on page 5, the DfT recommends strongly that extensive consultation with local communities is carried out both early in the process and once there is at least a basic design to consider. If not already in place, it may be useful to establish communication between volunteers and highway authority officers to enable meaningful consultation on any proposals to convert footways into cycle tracks. Highway authorities should be encouraged to engage with this process, not only because of the recommendations outlined by the DfT but because ultimately it should lead to the best outcome for both walkers and cyclists.

c. Order-making process

Not applicable.

d. Further information

- Highways Act 1980, section 65
<http://www.legislation.gov.uk/ukpga/1980/66/section/65>
- Highways Act 1980, section 66
<http://www.legislation.gov.uk/ukpga/1980/66/section/66>
Rights of Way: A guide to law and practice (2007): p.468
- Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9179/shared-use-routes-for-pedestrians-and-cyclists.pdf

⁸<http://www.legislation.gov.uk/ukpga/1980/66/section/65>

⁹<http://www.legislation.gov.uk/ukpga/1980/66/section/66>

3. Conversion of a public footpath into a cycle track

This scenario concerns the conversion of all or part of a public footpath into cycle track, defined as a way over which walkers and cyclists are entitled to pass, using provisions set out in the Cycle Tracks Act 1984.

It is important to note that, because a cycle track is not a category of way required to be shown on a definitive map, the effect of converting all of a footpath into a cycle track is to require its removal from the map. Circular Roads 1/1986: Background to the Cycle Tracks Act 1984¹⁰ states that if only part of the width of the footpath has been converted there will be two distinct but adjacent ways: a cycle track and a footpath. As the footpath is still in existence it can remain on the definitive map; however any statement will need to be amended to reflect its reduced width.

a. Legislation

Section 3(1)¹¹ of the Cycle Tracks Act 1984 gives a highway authority the power to make an order to convert all or part of a footpath into a cycle track, enabling rights of way by foot or cycle. Section 3(2) of the Act states that where proposals concern footpaths crossing agricultural land, those with a legal interest in the land must provide written consent to support the making of the order. The accompanying Cycle Tracks Regulations 1984¹² specify the detail to be followed for orders made under section 3 of the Act. The regulations include measures relating to consultation, the notice required when orders are made / confirmed, local inquiries and how objections should be made.

b. Consultation

Regulation 3¹³ requires highway authorities to consult with a number of organisations before making an order, including “*organisations representing persons who use the footpath concerned or who are likely to be affected*”. As the Ramblers is not necessarily always notified of proposals under this scenario, it may be useful for volunteers to get in touch with their highway authority to express interest in future plans.

As noted previously, Local Transport Note 1/12 recommends more extensive consultation. It also signposts to detailed advice on the conversion of footpaths contained in Circular Roads 1/1986: Background to the Cycle Tracks Act 1984. This circular places significant emphasis on the value of a consultation process which goes beyond the minimum set out in the Cycle Tracks Regulations 1984. Points include the following:

- The value of widespread consultation for any proposal to introduce cyclists onto facilities formerly reserved for pedestrians.
- The importance of consulting those representing the interests of disabled people.

¹⁰<http://webarchive.nationalarchives.gov.uk/20100303221756/http://www.dft.gov.uk/pgr/roads/tpm/tal/circulars/ular186cycletracksact1984038.pdf>

¹¹<http://www.legislation.gov.uk/ukpga/1984/38>

¹²<http://www.legislation.gov.uk/uksi/1984/1431/introduction/made>

¹³<http://www.legislation.gov.uk/uksi/1984/1431/regulation/3/made>

It is important to note that Circular 1/1986 also advises highway authorities to ensure that, as part of any explanatory material accompanying subsequent statutory notices, the fullest possible details are given on the works proposed to undertake when providing the cycle track.

c. Order-making process

Regulation 4¹⁴ sets out the procedure to be followed by a highway authority once it has made an order:

- Publicise, at least once in a local newspaper, the general effect of the proposal, the location of the footpath and a consultation period (no less than 28 days from first publication of notice) and the address for submitting written objections.
- Display copies of the proposal at the ends of the footpath affected by the order and in one or more places where public notices are usually displayed in the locality.
- Send a copy of the notice to those consulted previously under regulation 3.

If there are no objections, or where objections are withdrawn, the order can be confirmed by the highway authority. If there are objections which remain, the order has to be confirmed by the Secretary of State, following a public local inquiry.

Regulations 5 to 10 provide detail on the objections process, including local inquiries, consideration of objections and notice of final decision on orders.

d. Further information

- Cycle Tracks Act 1984
<http://www.legislation.gov.uk/ukpga/1984/38>
Rights of Way: A guide to law and practice (2007): p.580-584
- Cycle Tracks Regulations 1984
<http://www.legislation.gov.uk/uksi/1984/1431/introduction/made>
Rights of Way: A guide to law and practice (2007): p.688-691
- Circular Roads 1/1986 (Background to the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984)
<https://www.gov.uk/government/publications/roads-circulars/current-roads-circulars>
<http://webarchive.nationalarchives.gov.uk/20100303221756/http://www.dft.gov.uk/pgr/roads/tpm/tal/circulars/ular186cycletracksact1984038.pdf>
Rights of Way: A guide to law and practice (2007): p.772-781

¹⁴<http://www.legislation.gov.uk/uksi/1984/1431/regulation/4/made>

4. Conversion of a public footpath into a bridleway

This scenario concerns the conversion of a footpath into a bridleway. Section 30 of the Countryside Act 1968 introduced the right to cycle on bridleways, provided that cyclists give way to walkers and horse riders. Legislation enabling the creation of bridleways is therefore one way in which highway authorities can increase opportunities for cyclists.

a. Legislation

Section 25¹⁵ of the Highways Act 1980 gives highway authorities the power to enter into creation agreements with landowners to create rights of way, including bridleways.

Section 26¹⁶ of the same Act gives highway authorities the power to make creation orders establishing footpaths or bridleways over a piece of land where they think it would add to the public's convenience or enjoyment. This could be a new right of way or the creation of 'higher' rights over existing rights of way, including turning a footpath into a bridleway.

b. Consultation

Under section 25 of the Act, highway authorities can enter into agreements with landowners to create footpaths or bridleways. They are simply drawn up and signed by the two parties, and the right of way comes into existence on the date given in the agreement.

For creation orders made under section 26 of the Act, highway authorities are required to consult local authorities in whose area the land concerned is situated. In making the order, highway authorities are required to have regard to rights of way improvement plans.

As previously highlighted, early, meaningful consultation is however recommended to ensure that proposals are acceptable to all concerned prior to the order being made. For example, Defra's Rights of Way Circular 1/09¹⁷ states that:

In addition to the statutory requirements, authorities should consider wider publicity through prescribed organisations [and] other user groups...This approach should help authorities to forestall representations and objections before they make orders, by means of discussion and negotiation with landowners, users and representative organisations.

c. Order-making process

There is no set period for objections to creation agreements made under section 25 of the Highways Act 1980, but highway authorities must consult other local authorities in whose area the land

¹⁵<http://www.legislation.gov.uk/ukpga/1980/66/section/25>

¹⁶<http://www.legislation.gov.uk/ukpga/1980/66/section/26>

¹⁷Defra (2009) Rights of Way Circular (1/09): Guidance for local authorities.

concerned is situated. Notice should be published by the highway authority in at least one local paper.

For creation orders, the procedure is the same as for any other public path order, in that there is a right to object to what is being proposed. Creation orders must follow the procedure laid down in the Public Path Order Regulations 1993.

d. Further information

- Highways Act 1980, section 25
<http://www.legislation.gov.uk/ukpga/1980/66/section/25>
Rights of Way: A guide to law and practice (2007): p.453-454
- Highways Act 1980, section 26
<http://www.legislation.gov.uk/ukpga/1980/66/section/26>
Rights of Way: A guide to law and practice (2007): p.454-455
- Public Path Order Regulations 1993
<http://www.legislation.gov.uk/uksi/1993/11/contents/made>
Rights of Way: A guide to law and practice (2007): p.716-724

5. Permissive action by landowners to allow cycling on paths.

This scenario concerns the creation by landowners of permissive routes for cyclists and walkers, possibly over a route which had previously been reserved for walkers only. There is limited ability to influence measures designed to increase opportunities for cycling under this scenario, however it is worth being aware of the ways in which such agreements can come into being and also to take note of recommendations referred to under the scenarios on pages 6 to 10 which highlight the importance of consultation with different parties and user groups.

Paragraphs 10.29 to 10.32 of the DfT's Local Transport Note 1/12 explore the ways in which permissive rights could be used where a landowner is willing to allow public use but does not want to establish a permanent right of way.

A commonly used permissive agreement is where interest in the land concerned is purchased by a local authority (or another party) which then goes on to construct the path and allow the public to use it. The following three options are outlined:

- Freehold, giving a permanent interest.
- Leasehold, giving interest for the period of the lease.
- Licence, which comprises permission to construct and permission for the public to use.

The DfT does not however recommend the use of licences, as they can be withdrawn at short notice and at any time. Where a local authority owns a footpath, or where the footpath is maintained at public expense, the preferred option would be to introduce 'higher' rights for users through the process of upgrading it to a cycle track, restricted byway or bridleway. Otherwise, permissive rights based on a leasehold or freehold interest might be appropriate.

While there is no right to object, proposals could be questioned as a result of the Bakewell Case (2004)¹⁸, i.e. where the route constitutes a nuisance the highway authority may be compelled to take action. However, how practicable this is and applicable in context of permissive shared routes is questionable.

¹⁸<https://publications.parliament.uk/pa/ld200304/ldjudgmt/id040401/bake-2.htm>

PART TWO: EVALUATING PROPOSALS FOR SHARED USE ROUTES

1. Background

In providing more opportunities for cycling, it is critical that walking remains a safe, viable and enjoyable activity for Britain's nine million walkers in our towns, cities and countryside. There will be some instances where a conversion is highly inappropriate and others where it may be acceptable. This is because every path is different; the result of unique set of highly localised physical conditions and patterns of use and behaviour. Evaluating what is acceptable from the perspective of walkers therefore requires the adoption of a case-by-case approach to changes in the status of footpaths.

This advice note sets out some of the most important issues to consider when faced with proposals from highway authorities to create shared use routes. There is already a substantial amount of guidance on this topic from government departments, agencies and charities. While the majority of these are more focused on the development of new routes and those in built-up areas, we believe that the principles they establish are equally applicable in other contexts.

To avoid adding unnecessarily to this wide range of information, this advice note does not repeat the detail in these documents but refers to them where their recommendations align with the Ramblers' overarching policy position on shared use. However these documents are largely focused on making paths acceptable for cyclists. At the Ramblers our primary concern is that any shared use routes are acceptable from the perspective of walkers. It follows that reference to specific recommendations in these documents does not necessarily imply endorsement of their wider contents. Part four of this note gives an extensive list of documents which may be useful for more detailed issues but the majority of the references in this guidance are to the following key documents:

- Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists.
- Sustrans (2014) Design Manual Chapter 5: Traffic Free Routes: Conceptual design (draft) route types, alignment and general principles.
- Paths for All/Scottish Natural Heritage (undated) Shared Use Paths in Scotland: Guidance on promoting, developing and managing paths for responsible shared use.

2. Fundamental points

Before detailing the main considerations to take into account when evaluating proposals for shared use routes, it is important to set out some fundamental points:

- Make yourself or your areas/group known to your highway authority expressing your wish to be consulted on shared use proposals. This is because, with the exception of creation orders made under section 26 of the Highways Act 1980, the Ramblers will not always receive notification.

- Obtain as much information as possible from highway authorities to enable a thorough evaluation of any proposals. Circular 1/1986¹⁹, as highlighted in part one, advises highway authorities to ensure that, as part of any explanatory material accompanying any statutory notice, the fullest possible details are given on the work they propose to undertake.
- Remain objective in evaluating proposals for shared use routes.
- Use local knowledge and expertise of the route and local area when evaluating proposals, with reference to the key considerations set out in this advice note.
- Reflect upon how each of these considerations may interact with one another and the overarching impact of the proposals.
- Consider throughout whether the proposal will ultimately have a detrimental impact on the interest of walkers.

The Ramblers agrees with the DfT which, in paragraph 6.4 of its Local Transport Note 1/12, highlights that where improvements for cyclists can only be delivered through a significant reduction in route quality for pedestrians then the proposal is unlikely to be acceptable.

3. Key considerations

- a. Rationale: Has a strategic approach been used to inform the location of the proposal, based upon an objective consideration of the route's role in meeting demand, its place within the wider rights of way network and its contribution to broader public policy objectives?**

Proposals for shared use routes should be developed to address concerns around current and anticipated demand. They may stem from inadequacies in current provision or from plans which could lead to an increase in demand in the future, such as the development of new housing or community facilities. The Ramblers agrees with the DfT²⁰ which states that improved provision should only be made where there is, or will be, a demand for cycling and where existing conditions are unsuitable, not simply because an opportunity exists to do so. Demand is also an important factor in the context of other considerations, such as widths and proposals for segregation.

From the outset it is important to consider the bigger picture and the justification for the proposal. The route should form part of a rational wider network and contribute to broader strategic public policy objectives. The proposals could stem from, for example, Rights of Way Improvement Plans or Local Plans. The Ramblers agrees with Sustrans²¹ and Paths for All/Scottish Natural Heritage²² which both highlight the importance of strategic planning and ensuring the delivery of a coherent network of routes.

¹⁹Circular Roads 1/1986 (Background to the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984)

²⁰Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists (paragraph 3.3, page 9)

²¹Sustrans (2014) Design Manual Chapter 5: Traffic Free Routes: Conceptual design (draft) route types, alignment and general principles (page 3)

²²Paths for All/Scottish Natural Heritage (undated) Shared Use Paths in Scotland: Guidance on promoting, developing and managing paths for responsible shared use (section 3, paragraph d, page 17)

It should be clear that highway authorities have used existing impartial resources to help inform their proposals. There is a wealth of guidance which highlights the ways in which shared use routes, if they are to go ahead, can be planned, designed and managed to be acceptable to both walkers and cyclists. Such guidance should have been considered by those bringing forward proposals.

b. Level of use: What numbers and types of users are anticipated?

The level of use and the different types of users of the proposed route are important considerations in their own right but also in relation to other factors outlined in the rest of this section. The existing levels of use are also important, particularly where this is higher or more concentrated due to, for example, a route's proximity to community facilities, schools and major attractions. Introducing rights for cyclists in such circumstances needs to be considered carefully to ensure that they do not discourage existing users. Pages 18 and 19 of Local Transport Note 1/12 from the DfT provide some detailed points relating to level of use in the development of shared use routes.

c. Widths: Are the proposed widths adequate?

Shared use routes lead to less space for walkers and, where widths are inadequate, can have a significant negative impact for all users. Shared use routes should be at least 2 metres wide but this may need to be increased to take account of local conditions including:

- Context, for example whether the route is rural, urban or urban fringe.
- Expected levels of use, and the different types of walkers and cyclists.
- The existence of physical constraints, such as hedgerows, fencing/railing and furniture.
- Whether there are any 'pinch points' on the route.
- The availability of 'spreading room' to allow users to pass one another.
- The gradient of the route.
- Whether the route is to be segregated and the form that this will take.

The DfT²³, Sustrans²⁴, and Paths for All/Scottish Natural Heritage²⁵ all highlight the need to take account of local circumstances. Most tend to adopt a position that for main urban or strategic routes, a minimum width of 3m is appropriate.

d. Segregation: Do the proposals for shared use explain whether the route will be segregated and if so the form that this segregation will take?

Proposals for shared use routes should include information explaining whether the route will be segregated and the form that this will take. Each proposal will differ, depending on local circumstances such as route width, overall setting, volume and composition of users, visibility and

²³Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists (pages 40-44)

²⁴Sustrans (2014) Design Manual Chapter 5: Traffic Free Routes: Conceptual design (draft) route types, alignment and general principles (page 3)

²⁵Paths for All/Scottish Natural Heritage (undated) Shared Use Paths in Scotland: Guidance on promoting, developing and managing paths for responsible shared use (section 3.5, page 21)

gradients. There are advantages and disadvantages to segregation, the most significant of which are outlined in table 1 and which have been sourced from the key documents outlined on page 12.

Table 1: The advantages and disadvantages of different forms of segregation

	Segregated routes	Unsegregated routes
Advantages	Can increase user confidence and safety. Can ease of movement for different user groups. Can reduce perception of user conflict.	Can be relatively straightforward and inexpensive to implement. Can be less visually intrusive. Can make better use of available widths. Can encourage more considerate behaviour and positive interaction between different user groups.
Disadvantages	Can reduce available width. Necessary kerbs/barriers can cause problems for those seeking to cross the route. Where white lines are used, these can be ignored leading to conflict. Requires greater widths. Often more expensive to implement. Can lead to more territorial behaviour by different user groups.	High volumes of one user group can impact negatively on others.

These key documents from the DfT, Sustrans and Paths for All/Scottish Natural Heritage also describe in detail different forms of segregation and the advantages and disadvantages of each. While segregation may not be proposed at all, particularly in more rural areas, it is still useful to be aware of the ways in which different users can be segregated where it may appropriate to do so.

- e. Surfacing: Has consideration been given to the ways in which shared use may have a negative impact on a route’s surface? Do any accompanying mitigation measures and engineering works respect local landscape character and environmental quality?**

Durability

Introducing rights for cyclists (and horse riders where footpaths are converted to bridleways) on routes which have previously been reserved for walkers only can, depending on a variety of factors including local topography and geology, have a negative impact on the surface of a path. The degradation, particularly on unsurfaced routes, resulting from greater use by different types of user can lead to waterlogged, slippery and, ultimately, impassable paths for walkers. Proposals for shared use routes should therefore explain what, if any, measures will be taken to mitigate any potential negative impacts.

Environmental quality and local landscape character

Where mitigation measures are proposed, it is critical that they do not have a detrimental impact on the character of a route, local ecology and the wider landscape context. Any use of additional materials to surface the route, or increases in width, should be sensitive to the local environment and make use of local natural ground materials as far as is possible. Consideration also needs to be given to the wider environmental impacts of surfacing decisions, for example, drainage and the potential for surface run-off from impermeable paving to cause problems with waterlogging elsewhere on the path network. This needs to be balanced with the potential for surface improvements to benefit walkers, in terms of durability and all-weather access.

Various resources from Sustrans²⁶, Paths for All/Scottish Natural Heritage²⁷ and the British Horse Society²⁸ discuss in greater detail some of the considerations relevant to surfacing.

f. Topography: Does the proposal take adequate account of local physical conditions?

The 'shape' of the land – gradients, geometry and sightlines – will have a significant impact on whether or not a shared use route is appropriate in a particular location. Steep gradients can impact upon the behaviour and speed of cyclists and blind corners can be potential hazards. Ultimately, as with all other proposals, it is important to make use of local knowledge of the landscape and experience of local circumstances to inform a decision as to whether a proposal for shared use is appropriate. Pages 17 and 18 of Local Transport Note 1/12 from the DfT provide some detailed points relating to local physical conditions.

g. Bridges and underpasses: Do any bridges and underpasses meet the design recommendations?

The appropriateness and quality of any bridges and underpasses are an important consideration, as well proposals which intersect with these structures. Design criteria for footbridges for use by pedestrians, cyclists and equestrians are specified by Highways England²⁹. Useful information is also provided by Sustrans³⁰. The criteria for subways are in older Highways Agency (now Highways England)³¹ guidance.

h. Lighting: Is any lighting proposed?

Where new lighting is proposed as part of any shared use route proposal it is important that this is appropriate to local conditions. Light pollution and its impacts on wildlife, people and the landscape is a growing concern. However it should also be remembered that there are benefits from lighting, such as improved access in evenings/at night – particularly relevant during autumn/winter – and

²⁶Sustrans (2014) Design Manual Chapter 6: Traffic free routes: Detailed design (draft) Construction and ancillary details (section 5, pages 11-16)

²⁷Paths for All/Scottish Natural Heritage (undated) Shared Use Paths in Scotland: Guidance on promoting, developing and managing paths for responsible shared use (section 3.6, pages 22-24)

²⁸British Horse Society(2016) Advice on surfaces for horses (page 5)

²⁹http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol2/section2/BD2917_May.pdf

³⁰Sustrans (2015) Bridges and other structures (draft)

³¹<http://www.standardsforhighways.co.uk/ha/standards/DMRB/vol5/section1/td3793.pdf>

perceptions of safety. Sustrans provides detailed guidance³² on this particular subject which may be a helpful resource to consider.

i. Maintenance: Does the proposal include credible arrangements for long term maintenance?

Maintaining the route must be considered from the outset to ensure the route's long-term viability. An explanation of maintenance measures should be provided which will be adopted upon the shared use route coming into being. It is essential that maintenance is factored into proposals for shared use routes, and gives consideration to whether resources exist to ensure the rights created for cyclists do not add to the burden on ever-decreasing local authority finances. The DfT³³ sets out some of the primary factors in respect of maintenance, including:

- Early consideration of maintenance requirements;
- Consideration of whole-life costs; and
- Vegetation growth and impact on user experience.

It is also important to consider the authority's record in maintaining the existing path network in its area and, where appropriate, whether it has put in place mechanisms to ensure this is improved.

j. Monitoring and management: How does the highway authority intend to monitor use and manage behaviour on the proposed route?

Proposals should be accompanied by details of how use of the route will be monitored and what measures will be put in place to manage any issues that arise. It is important that this information is then used to improve conditions for all users, and that lessons are learned for proposals elsewhere.

k. Benefits for walkers: Will the proposals improve the route for walkers?

Proposals for shared use routes will generally have been developed to improve provision for cyclists. It is important to consider however that these proposals can represent opportunities to improve conditions for walkers too. It is reasonable therefore to question the extent to which this has been considered and provide feedback which may lead to better outcomes for all. This could include:

- Improved connectivity and coherence through additions to the wider path network.
- Improved surfaces, particularly for walkers with disabilities or those with children.
- Opportunities to secure improvements such as new bridges or more convenient road crossings.
- Better signage and furniture and the replacement of stiles and gates with chicaned barriers.

Incorporating such measures, where it is appropriate to do so, will ultimately help ensure authorities meet their strategic objectives³⁴ and contribute towards national policy agendas³⁵.

³²Sustrans (2014) Chapter 5: Traffic free routes: conceptual design (pages 37 and 38)

³³Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists (page 28-31)

³⁴<https://www.gov.uk/guidance/local-authority-rights-of-way-improvement-plans>

³⁵<https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>

PART THREE: DEFINITIONS

Footpath: A way over which the right of way is on foot only.

Bridleway: A way over which the right of way is on foot, on horseback and on bicycle

Carriageway: A way over which there exist footpath and bridleway rights, and a right to pass in or on a vehicle.

Byway open to all traffic (BOAT): The right exists to walk, ride, cycle and drive vehicles, including motor vehicles, on these types of paths. Although legally open to all types of vehicle, BOATs were defined by parliament as routes used mainly on foot or horseback, and it is this which distinguishes BOATs from unclassified roads.

Cycle track: A way over which there is a right of way on bicycles and possibly also on foot.

Footway: A way set aside for pedestrians at the edge of a carriageway, more commonly known as a pavement.

NB: Further definitions and list of abbreviations will be added to the final document.

PART FOUR: KEY REFERENCES AND FURTHER READING

NB: Key references appear as footnotes throughout this draft document. Following the consultation period these will be repeated here and accompanied by additional further reading which may be of interest.