

Report to Cabinet
8 February 2017
Report of Executive head of regeneration and development services
Subject Pedalways – appropriation of council-owned land for adoption as highway.

Item

13

KEY DECISION

Purpose

To consider the appropriation of several sections of pathway and associated infrastructure on city council-owned land for adoption as public highway to form part of the pedalway network.

Recommendation

To approve the appropriation of sections of pathway and associated infrastructure on city council-owned land for adoption as public highway to form part of the pedalway network.

Corporate and service priorities

The report helps to meet the corporate priority “A prosperous city” and the service plan priority to enable more people to cycle around the city by improving the cycle network.

Financial implications

The adoption of the path and associated infrastructure as highway result in the cost of maintenance being transferred from the housing, property and green space budgets to the highways maintenance budget.

Ward/s: Crome, Mancroft, Mile Cross, Sewell, Thorpe Hamlet, Town Close

Cabinet member: Cllr Bremner

Contact officers

Ben Webster, Design Conservation and Landscape Manager 01603 212518

Andy Watt, Head of City Development Services 01603 212691

Background documents

None

Report

Background

1. In August 2013 the council was awarded £3.7m from the government's cycle city ambition fund to enable the construction and improvement of the pink pedalway, one of the seven strategic cycle routes that form the Norwich cycle network. The pink pedalway construction is finished.
2. Marriott's Way carries part of the red pedalway / national cycle route 1 and is mostly adopted highway between Barn Road and Hellesdon Road. The Dragon Crossing Bridge between Andersons Meadow and Train Wood is the only remaining part of the route which has not been adopted. Norfolk County Council has agreed to take ownership of the structure from the City Council, and support its adoption. It is proposed that the bridge is adopted and ownership transferred to the County Council.
3. The Pedalways are important strategic movement routes. It is important that they remain permanently available for the public to use and that the arrangements for their management and maintenance are clear. The best way to achieve this is for them to be adopted as public highway. The maintenance would become the responsibility of the highway authority and highways cannot be extinguished without a stopping up order. The city council acts on behalf of Norfolk County Council as highway authority through an agency agreement. Adoption as highway does not mean that there any plans to allow vehicular access, other than for essential maintenance activities.
4. The land over which the pink pedalway runs has been reviewed to identify those sections that are not currently highway. It is proposed that seven areas that are owned by the City Council (or in the case of Tombland believed to be owned by the City Council) are appropriated for use as highway. Plans of each of these areas are shown in appendix 1.
5. Section 122 of the Local Government Act 1972 provides the legal basis for the council to decide that the land can be appropriated for another use when it is no longer required for the purpose for which it is held immediately before the appropriation; any such appropriation of land is subject to the rights of other persons in and over the land concerned. This section requires councils to advertise their intention to appropriate land used as open space for two weeks and consider any objections received. Advertisements were placed with a three week response period and no comments were received by the deadline of 11 August 2016.

Areas for appropriation (see maps in appendix 1)

Section A – widened path fronting Johnson Place flats

6. This land is currently held as a housing asset for the purposes of amenity open land adjacent to flats and a shop, having originally been acquired in 1902. A pre-existing path 62m long on the approach to Chapel Field Road has been widened onto the land to provide more comfortable shared space for cyclists and pedestrians. The pre-existing path is already highway. The new strip of path would be appropriated for use as highway. A lighting column will form part of the adopted area.

Section B – Barrack Street to Cannell Green path

7. This land was originally acquired from the Secretary of State for Defence in 1968 for housing purposes and the provision of homes for the elderly. It is currently held as a housing asset and carries a 32m length of existing segregated walking and cycling path that connects Barrack Street to Cannell Green near the gym. This path is designated as part of the pink pedalway but will not be physically altered through Push the Pedalways. The path would be appropriated for highway use. A street lighting column and an illuminated signs will form part of the adopted area.

Section C - Heathgate to Gurney Road path

8. The southern section of land is currently held as housing asset and the northern section is a freehold property asset. The whole of this land is used as recreational and amenity open space. A small part of this northern section of land is on Mousehold Heath, and was acquired under the Norwich Act 1867 for recreation and leisure purposes and is managed by the Mousehold Conservators. Planning permission was granted on 9 July 2015 for the construction of a 3m wide and 225m long cycling and walking path from Heathgate to Gurney Road across land to the north east of the Heathgate flats roughly on the alignment of the historic cavalry route called Dragoon Street which is now complete. The path is lit with motion sensitive lighting.
9. Approval to appropriate the housing land was given by the former Deputy Chief Executive on 14 August 2014 under the delegated approval granted by Cabinet on 26 March 2014. The Mousehold Conservators agreed that the small piece of land near the Rangers House could be adopted as highway at their meeting on 20 July 2014. The whole length of path and associated lighting would be appropriated for highway use.

Section D – Gurney Road widened path

10. This land was acquired under the Norwich Act 1867 for recreation and leisure purposes and is managed by the Mousehold Conservators. The 300m long path on the west side of Gurney Road between Britannia Road and Mousehold Avenue has been widened to allow more comfortable shared use by cyclists and pedestrians. A narrow strip of the path widening has been constructed on the Heath and the lighting columns were moved back into this area to avoid obstructing the path. The Mousehold Conservators agreed that this land could be adopted as highway at their meeting on 20 July 2014. The widened strip of path and associated lighting would be appropriated for highway use.

Section E – Valley Drive

11. Valley Drive is an 860m long path that connects Gurney Road to Mousehold Lane. The west section was acquired under the Norwich Act 1867 for recreation and leisure purposes and is managed by the Mousehold Conservators. The rest of Valley Drive is held as a freehold property asset but not part of the legally designated area of Mousehold Heath. It has been surfaced in asphalt and motion sensitive lighting has been installed. The Mousehold Conservators agreed that the west section within their jurisdiction could be adopted as highway at their meeting on 20 July 2014. The whole length of path with associated lighting would be appropriated for highway use.

Section F – Heartsease park path

12. This land was acquired in 1934 for housing and associated recreational uses. The west section of path next to Compass Tower is currently a housing asset and the east section across Heartsease Park is a freehold property in the general fund. New 166m long parallel paths for walking and cycling have been built east-west across Heartsease Park. The new path connects to a pre-existing 68m long section of path on housing land that runs to the east of Compass Tower. The paths across the park and alongside Compass Tower would be appropriated for highway adoption, including the associated lighting and cycle stands that are located within the verge between the two paths that cross the park. The benches and trees that lie outside the paths and central verge would not be adopted.

Section G – Dragon Crossing Bridge, Marriott's Way

13. The Dragon Crossing Bridge between Andersons Meadow and Train Wood carries Marriott's Way and the red pedalway / national cycle route 1. The structure was built by the City Council in the late 1990s and is owned by the City Council. It is the only part of Marriott's Way between Barn Road and Hellesdon Road which has not been adopted as highway. Agreement has been reached between the City and County Councils for the bridge to be adopted and for the ownership to be transferred from the City to the County Council. In future the bridge would be managed and maintained by the County Council's Bridges team.

Integrated impact assessment



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The IIA should assess **the impact of the recommendation** being made by the report

Detailed guidance to help with completing the assessment can be found [here](#). Delete this row after completion

Report author to complete

Committee:	Cabinet
Committee date:	18 January 2017
Head of service:	Andy Watt
Report subject:	Push the Pedalways - appropriation of council-owned land for adoption as highway
Date assessed:	19 August 2016
Description:	Several pieces of council owned land and associated infrastructure are being used to create improved cycle routes. Council approval is required for the land and infrastructure to be made available for adoption as highway.

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>S17 crime and disorder act 1998</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ensuring the cycle and walking paths are well maintained and enduring means that users are more likely to feel safe and secure.
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Health and well being	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ensuring the cycle and walking paths are well maintained and enduring means that users are more likely to feel safe and secure.

	Impact			
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ensuring the cycle and walking paths are well maintained and enduring means that people will be encouraged to move around on foot and bicycle, which are clean and healthy modes of transport.
Natural and built environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ensuring the cycle and walking paths are well maintained and enduring means that people will be encouraged to move around on foot and bicycle, which are clean and healthy modes of transport.
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Impact			
Energy and climate change	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ensuring the cycle and walking paths are well maintained and enduring means that people will be encouraged to move around on foot and bicycle, which are clean and healthy modes of transport.
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

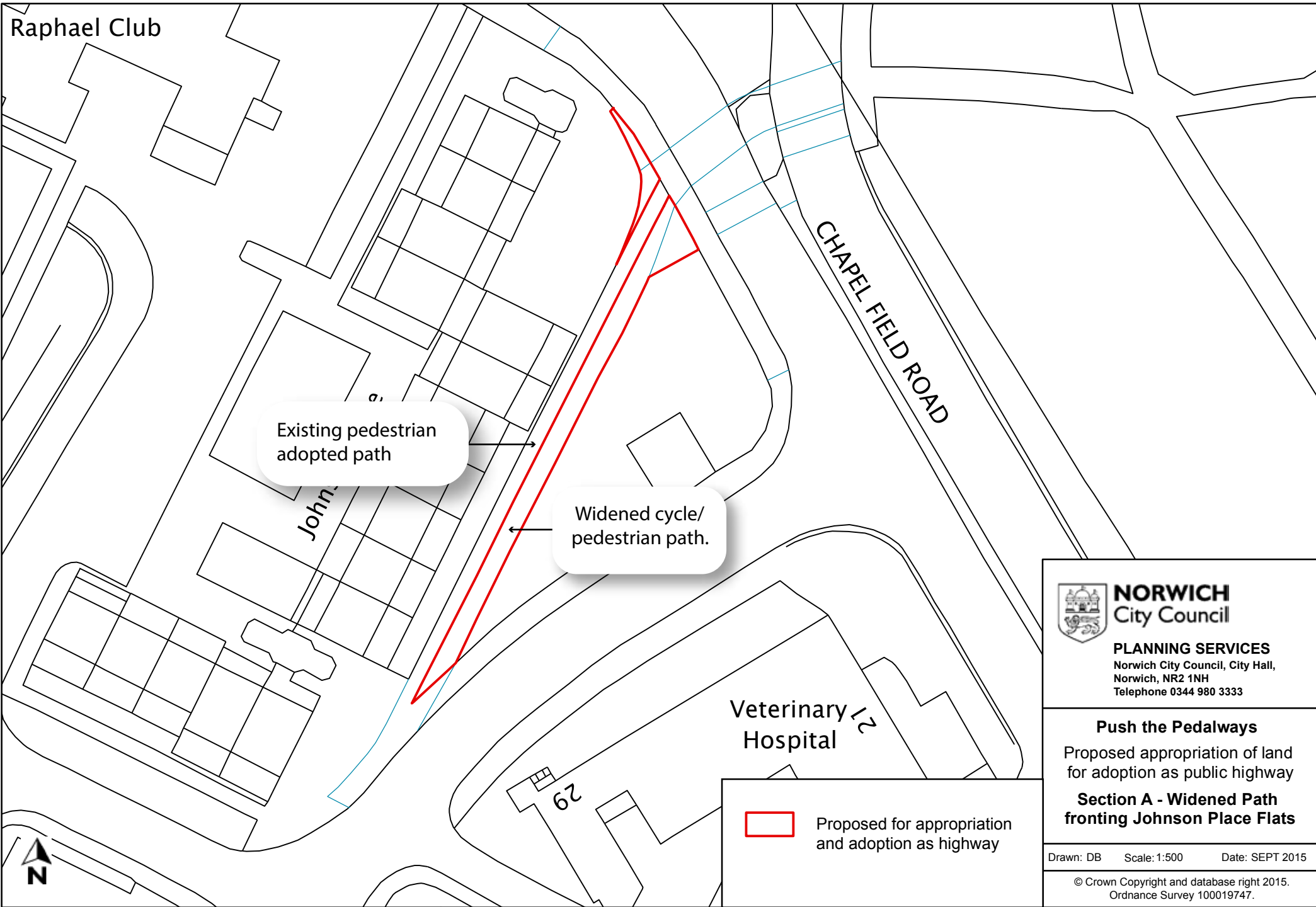
Recommendations from impact assessment

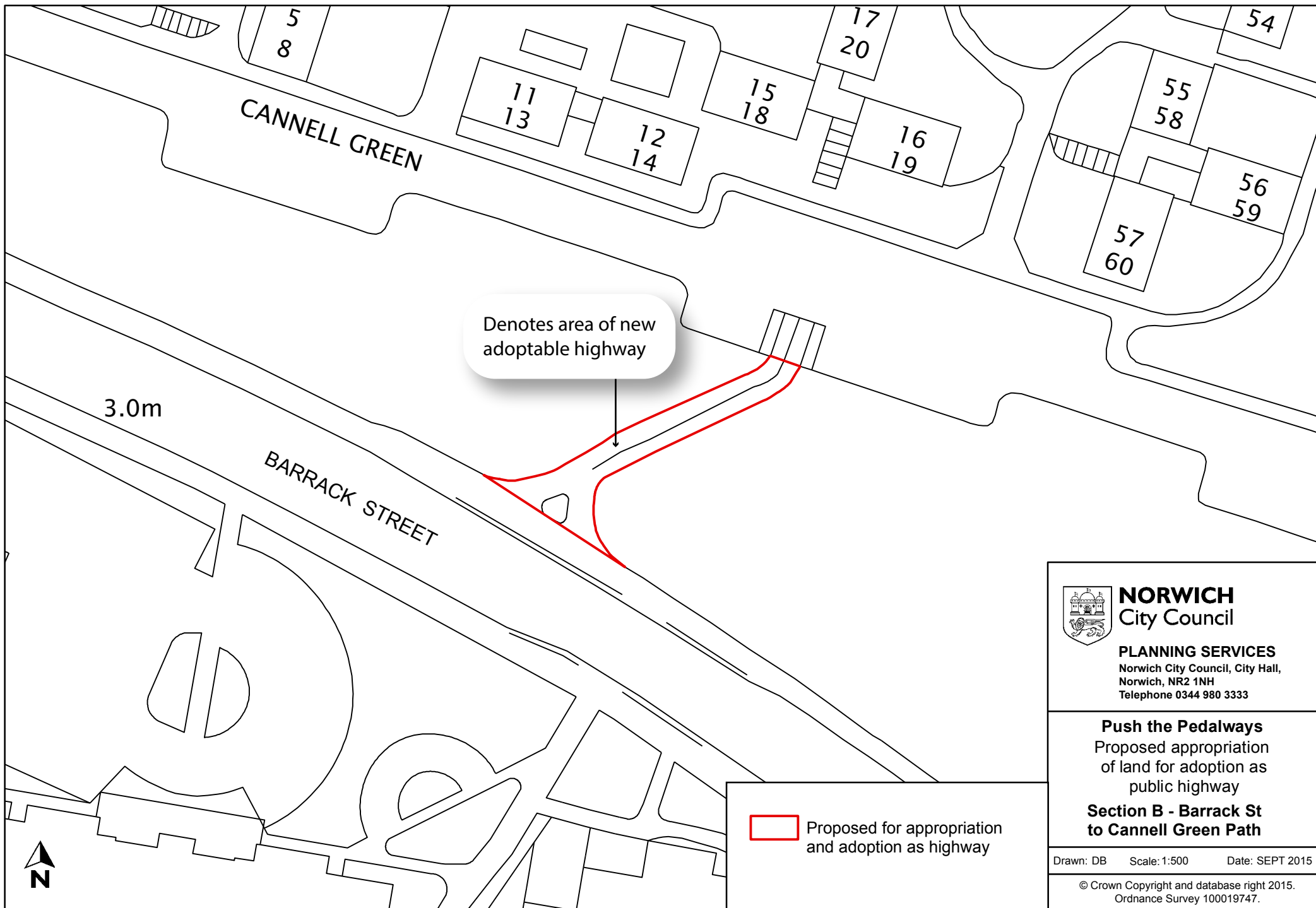
Positive

Negative

Neutral

Issues





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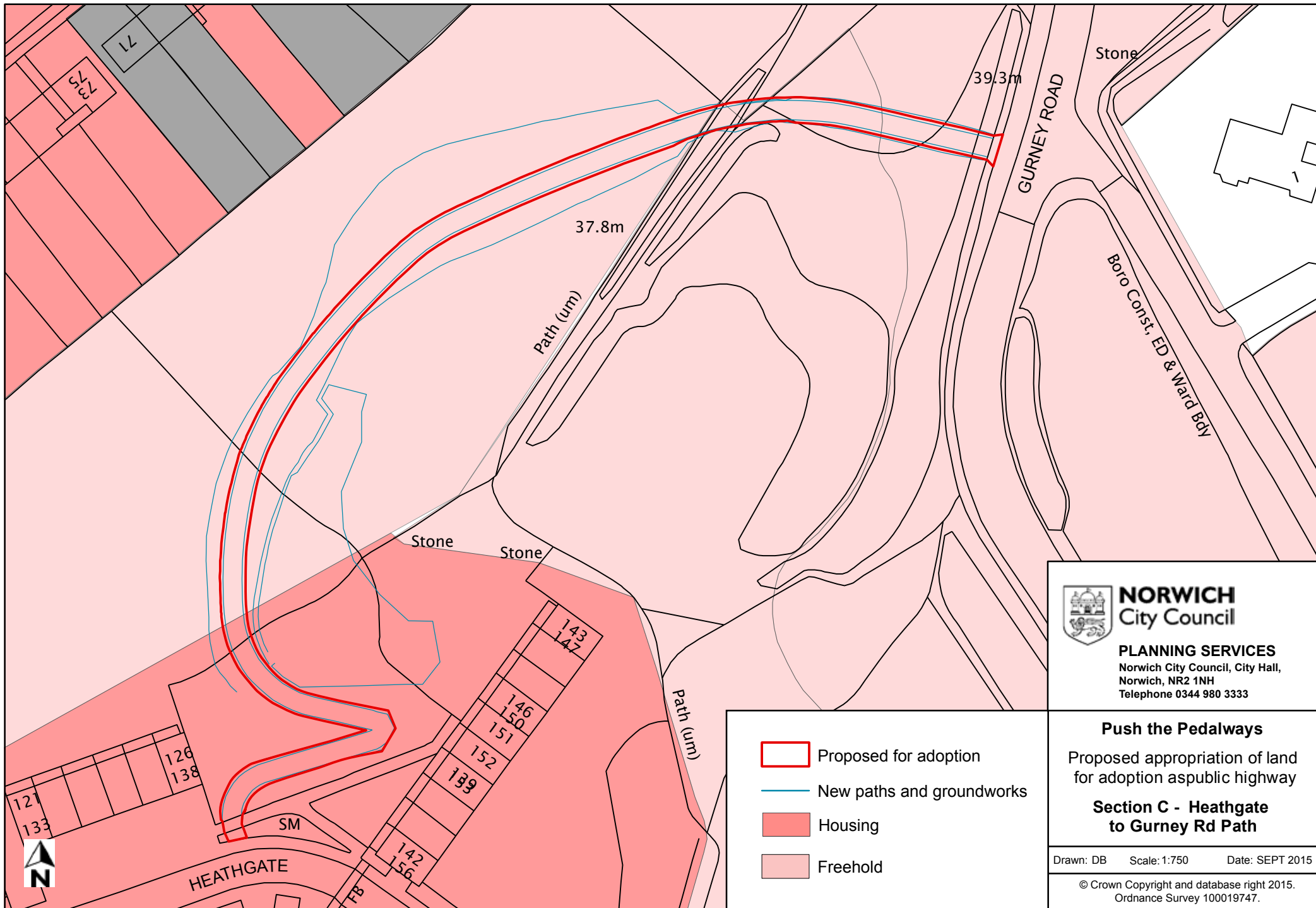
PLANNING SERVICES
Norwich City Council, City Hall,
Norwich, NR2 1NH
Telephone 0344 980 3333

Push the Pedalways
Proposed appropriation
of land for adoption as
public highway

**Section B - Barrack St
to Cannell Green Path**

Drawn: DB Scale: 1:500 Date: SEPT 2015

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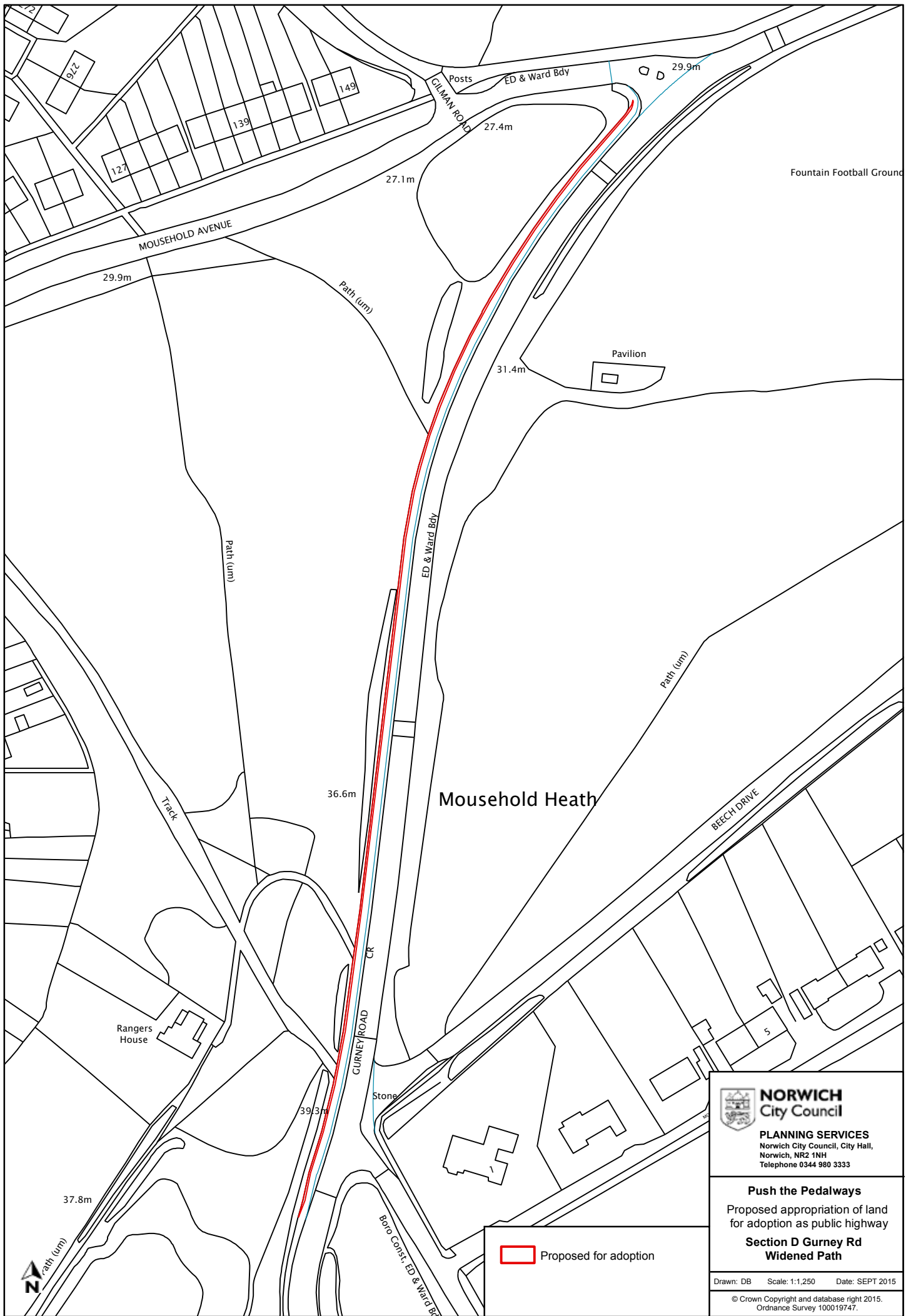
Proposed appropriation of land
for adoption as public highway


**Section C - Heathgate
to Gurney Rd Path**

Drawn: DB Scale: 1:750 Date: SEPT 2015

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-  Proposed for adoption
-  New paths and groundworks
-  Housing
-  Freehold



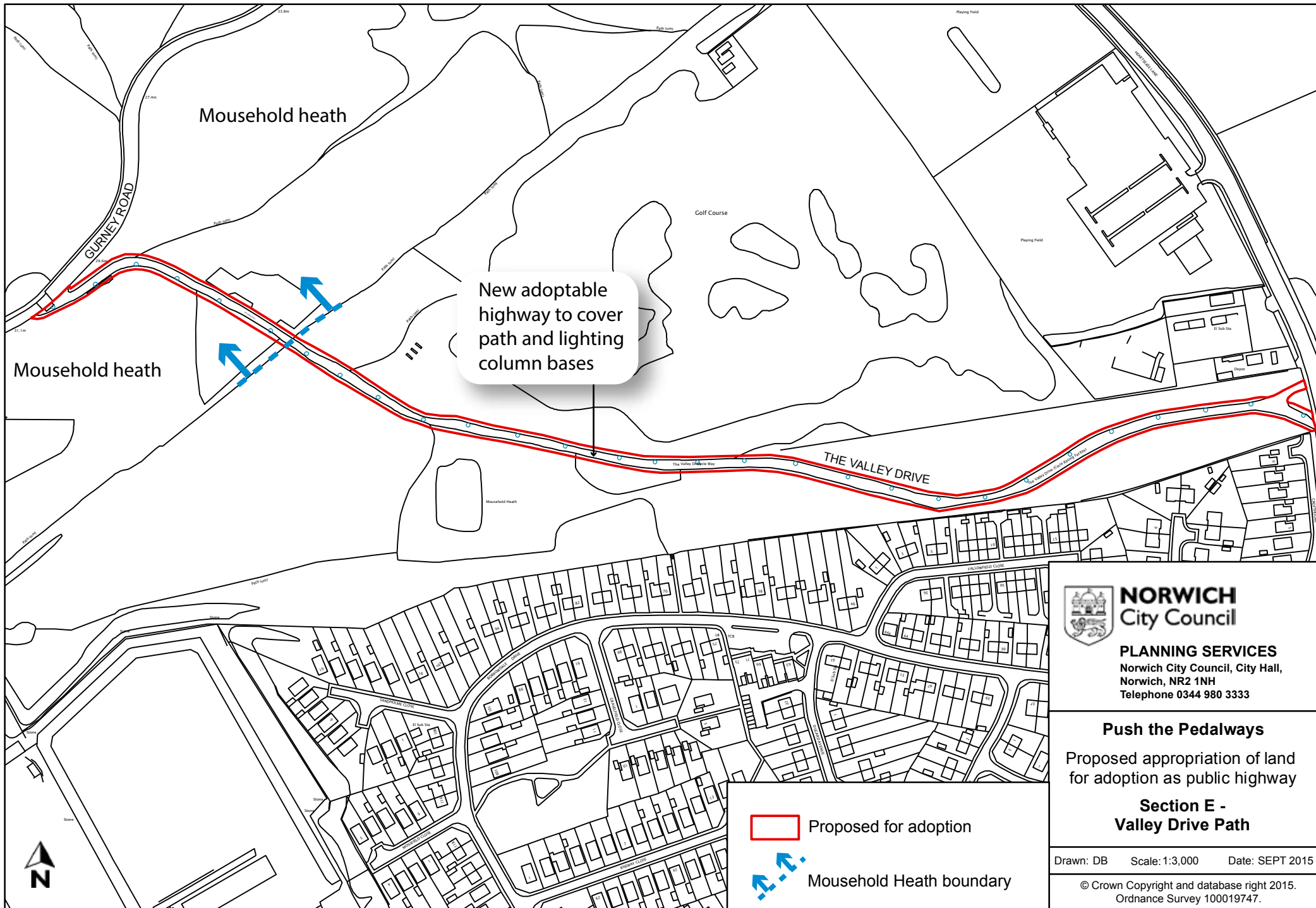
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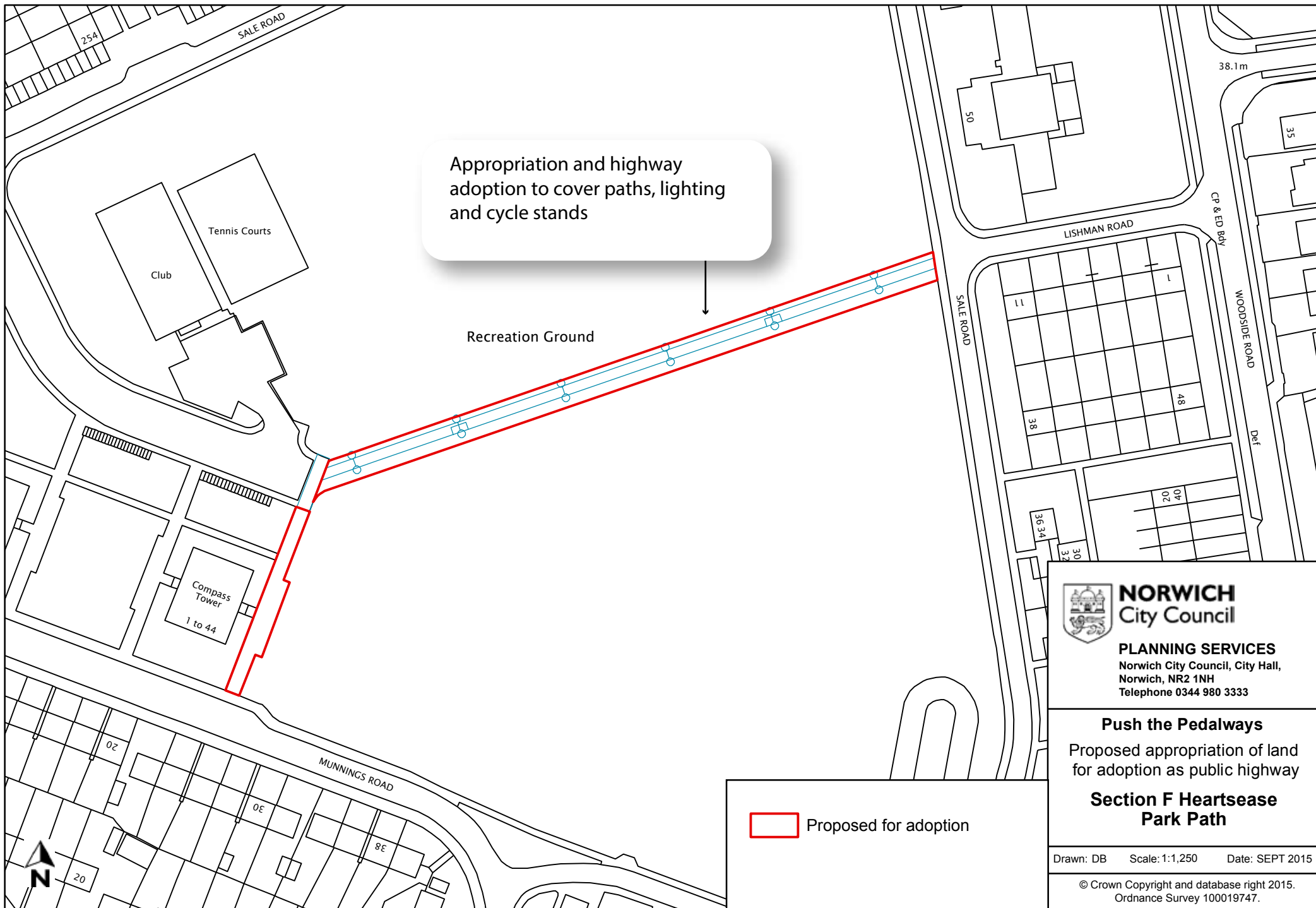
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Proposed appropriation of land
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**Section D Gurney Rd
Widened Path**

Drawn: DB Scale: 1:1,250 Date: SEPT 2015

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for adoption as public highway

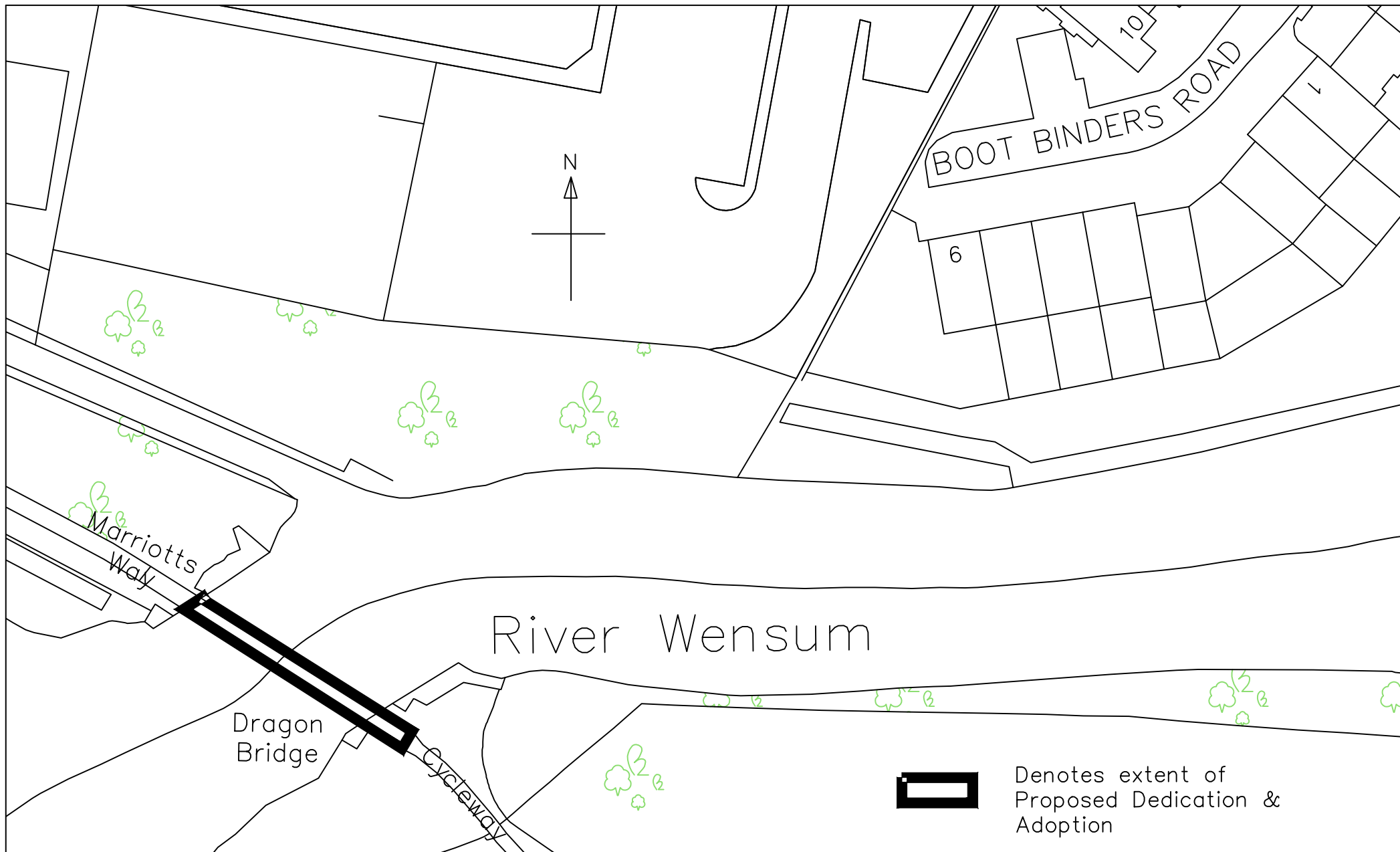
Section F Heartsease Park Path



Proposed for adoption

Drawn: DB Scale: 1:1,250 Date: SEPT 2015

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Denotes extent of
Proposed Dedication &
Adoption



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Title
Dragon Crossing Bridge
Marriotts Way, Norwich
Dedication & Adoption

No.	Date	Notes	REVISIONS	Int.	Ckd.	Date	Scale(s)
						29/2/16	1:500
						Drawn By kw	Designed By n/a
						Checked By KAW	NEG. No. 001
						DWG. No. D/Misc/DCB/001	

Andy Watt
Head of City Development Services
City Hall, Norwich, NR2 1NH
tel 0344 980 3333
highways@norwich.gov.uk