

**Title**

Project to Improve the CALW65 Cycleway/footway between the A4 and Petty Lane, Derry Hill

**Purpose of Report**

The purpose of this report is to update the Council on the scheme to Improve the CALW65 Footpath/Cycleway between the A4 & Petty Lane and to seek approval to allocate funding to progress the scheme as part of the councils budget process.

The objectives of the scheme is to provide a good quality, usable and well signed footpath/cycleway between Studley and Derry Hill and an onward link to the National cycle network NCN403. This will allow and encourage more sustainable travel between the two villages as well as other destinations, it will also improve safety.

**Background**

Planning permission for Studley Gardens housing development was given in 2015 on the basis that the developer, Crest Nicholson, provided a safe pedestrian/cycle link between the two villages including a toucan crossing on the A4. This link would encourage residents to walk and cycle between the villages rather than use their cars to access the local school and other facilities. Planning conditions and legal agreements were to be put in place to deliver this. After some years of pressing Wiltshire Council and Crest to provide this link, a continuous good quality route has still not been provided and is poorly signed leading to pedestrians and cyclists crossing the A4 away from the Toucan crossing (which itself is not ideally located)

Wiltshire Council have controversially released Crest from their obligation to surface the footpath/cycleway and other works between the A4 and Petty Lane and it remains a grass and part gravel track with a barrier that actually restricts cycle movements and is not attractive to cyclists, walkers or disabled people. The cycle route along the A4 to and from the Toucan crossing is still completely obstructed by bus shelter despite the developer offering to move the shelter over a year ago. The PC identified an acceptable alternative site for the relocated shelter after Wiltshire and Crest had proposed a totally unsuitable site where bus users would have no sight of passing buses. Wiltshire have claimed that Crest were released from their obligation to surface the cycleway because the land owner would not agree to the works. This is not true as the Chapel St residents management company, that own the land, were never approached and have for some time given every indication that they would have welcomed the improvement to the cycleway.

Whilst our communities have been badly let down by Wiltshire Council and the developer, short of a complaint to the ombudsman, neither seem likely to rectify their mistakes and omissions on this project. It is therefore left to the Parish Council to rectify matters using £66k receipts from the Community Infrastructure Levy generated by the Studley Gardens development. Whilst CIL funds are not expected to be used to rectify the failures of the developer or Wiltshire Council, in this case it now appears to be the only way to provide a vital piece of infrastructure that the Studley Gardens housing development was predicated on.

The proposal (shown on the first plan below) is to construct an approximately 2m wide tarmac footpath/cycleway between the A4 and Petty Lane, relocating both the barrier and the bus shelter. The path is about 80 to 90m long and may require some drainage and ideally a lighting column. The proposal also include the provision of signage to encourage residents and visitors to the two villages to use a cycle route along quiet residential roads leading to the Toucan crossing (see plans 2 & 3) rather than using the busy Church Road and crossing the A4 at Studley Crossroads.

10 or 11 small pedestrian/cycle signs (numbered on the plans) would be needed to sign the route

between the two villages. Further signs may be needed to sign cyclists and walkers to the nearby National Cycle Network route 403 to Chippenham and Calne along the former railway track. Normal ped/cycle signs are small aluminium road signs but more attractive wooden signs and posts could be used.

The Derry Hill Management Company who are the local residents organisation charged with managing and maintaining common areas within the Chapel Street housing development have been informally approached. They have indicated that they would be supportive of the proposals and prepared to dedicate the land required provided Wiltshire Council as Highway Authority adopted the cycleway and took on its future maintenance. The proposals would also help reduce the number of cyclists and pedestrians who currently use a narrow and potentially dangerous opening through the high boundary wall onto a private courtyard off Chapel St. This is often used because a lack of signage and the bus shelter obstructing access to the proper cycleway/footway.

### **Costs**

A budget estimate of the costs would be around £30k but could rise to around as £40k depending on lighting and drainage. It is expected that the developer will still meet the cost of relocating the bus shelter and believe Wiltshire Council have a moral obligation to contribute to some of the costs which have mainly arisen due to their handling of the original project.

The Council has received Community Infrastructure Levy (CIL) payments of almost £67k from the Studley Gardens development ( £13,696 in April 2018, and two payments of £26,632 in April and July 2019). CIL monies have to be spent on -

- a) *The provision, improvement, replacement, operation or maintenance of infrastructure; or*
- b) *Anything else that is concerned with addressing the demands that development places on an area.*

If the parish council fails to spend its CIL funds paid to it within 5 years of receipt or has not applied the funds in accordance with the CIL regulations, then Wiltshire Council can require the parish to repay the unspent CIL funds. The Council has less than 18 months to spend the first payment of £13,696, and only until April and July 2024 to spend the remaining payments. Without an early commitment to significant infrastructure projects there is unlikely to be enough time to design and complete works before those deadlines. It is therefore important that the council gives its early approval to this and other proposals so that detail design and negotiations can proceed in order to gain the benefits of the £230k of CIL funding held by the parish council.

In April the Finance Committee agreed unanimously: *That the new Council should attach priority to the completion of projects with funding approved and further priority be given to the identification and delivery of projects to utilise the Councils CIL funds within the prescribed time period.*

This cycleway and signing scheme is included in the councils schedule of 'Projects started but to be considered further and funding allocated if appropriate'

It is therefore **Proposed** that -

- a) The scheme to Improve the CALW65 Cycleway/Footpath between the A4 and Petty Lane including signing, be approved and allocation made in the budget for funding of up to £40k from the Studley Gardens CIL funding.
- b) West ward members be authorised to enter negotiations with relevant parties to develop a detailed design.







