

## **SECTION 66(4) AND 65(1) of the HIGHWAYS ACT 1980**

**Proposal for the conversion of existing footways on Frome Road, Odd Down, Bath to a cycle track for use by cyclists, scooters and pedestrians at the following locations:**

- **on the north side of Frome Road between the centre of the Toucan crossing for 10.7metres in a north west direction and for 9.9 metres in a south east direction;**
- **and on the south side of Frome Road between the centre of the Toucan crossing for 8.9 metres in a north west direction towards the pedestrian entrance to St Martin's Garden Primary School and for 10.9 metres in a south east direction.**

(Ward division: **Odd Down**)

### 1. The Issue

- The proposal is to convert a section of the existing footway to enable cyclists/scooters to link between an existing cycleway on the north side of Frome Road and the entrance to St Martin's Primary School. This will be an unsegregated cycle track for shared use by cyclists/scooters and pedestrians.

### 1. Recommendation

1.1. The footway referred above as shown coloured green on the attached plan is converted to an unsegregated cycle track for use by cyclists/scooters/pedestrians and appropriate shared use and directional signage installed.

### 2. Financial implications

2.1. The shared use and directional signage will be constructed as part of the Scholars Way scheme.

2.2. There will be minimal additional future maintenance costs.

### 3. Legal background

- In order to convert a footway to cycle track, the footway must be removed under Section 66(4) of the Highways Act 1980 and a cycle track 'constructed' under Section 65(1) of the Act. No physical construction is necessary here, however there needs to be clear evidence that the power has been exercised. This evidence will come from the recording of the decision-making process.

### 4. Background information

- The proposed change is being promoted on the footway on the north and south side of a Puffin crossing for pedestrians converted to a Toucan crossing for pedestrians and cyclists as part of the Scholars Way works. This complies with LTN 1/20.

The proposed conversion of the footway referred to above would allow more convenient travel by bicycle or scooter for several desired trip orientations. This will provide a link between Combe Down village as part of the Scholars Way.

### Climate Change

4.1.A Climate Emergency was declared in March 2019 along with an Ecological Emergency in July 2019. In response to this B&NES has pledged to achieve carbon neutrality by 2030. Active Travel (walking, wheeling and cycling) routes are part of a package of measures to mitigate the climate crisis through the adoption of more sustainable and healthy transport options.

- Transport currently accounts for 29% of carbon emissions in the B&NES area. Schools are one of the most productive areas for encouraging sustainable travel, with children particularly aware of environmental challenges and eager to walk or cycle.
- The Scholars Way proposals will contribute to achieving the Council's commitment including enabling healthier, safer and greener ways to travel to and from schools.
- The scheme is in accordance with the WoE Climate Emergency Action Plan as it will enable an increase in the uptake of active travel in Bath. This will help achieve the goal to create a net carbon zero region by 2030.
- Active travel is the cleanest form of travel. High-quality infrastructure, in combination with other low-carbon transport modes, can provide competitive journey times to private vehicle use and lead to a step change reduction in transport carbon emissions.

### 5. Risk management

- Shared use path signs will be installed as part of the footway conversion to a cycle track.

### 6. Human rights

- The Human Rights Act 1998 incorporates the rights and freedoms set out in the European Convention on Human Rights ("the Convention") into UK law. So far as it is possible all legislation must be interpreted so as to be compatible with the Convention.

## 7. Rationale

- The rationale of this scheme is to encourage more people to cycle/scoot rather than use cars particularly those travelling to and from school. It will provide improved connectivity and more convenient route between the St Martin's Garden Primary school, Frome Road and Combe Down village.

## 8. Other options considered

- The other option would be to not convert the existing Puffin crossing to a Toucan crossing, but the aim of the Scholars Way is to encourage active travel for cycling, walking and scooting.

## 9. Consultation

9.1. The Scholars Way Consultation in Summer 2022 asked the following question: "I support the proposed shared use path and parallel crossing for pedestrians and cycles on the A3062 Bradford Road, east of Mulberry Way". 52% of the 203 respondents to this question were supportive (Strongly agree [43.3%], agree [8.8%]), 29% opposed [5.4% disagree 24% disagree], and 18.6% neither agreed/disagreed.

- A Traffic Regulation Order has been advertised for the Toucan crossing.

9.2. The local Councillors and Cabinet Member for or Sustainable Transport Delivery have been consulted.

## 10. Issues to consider in reaching the decision

10.1. Customer Focus; Sustainability; Health & Safety; Other Legal Considerations

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## AUTHORISATION

*Under the delegated authority granted to the Director of Place Management to convert a footway to a cycle track (sections 66(4) and 65(1) of the Highways Act 1980) I authorise the conversion of the area of footway shown in green on the accompanying drawing to cycle track.*

A handwritten signature in black ink, appearing to read 'Chris Major', with a large, sweeping flourish at the end.

Signed..

Dated...18/09/2025

Chris Major

Director of Place Management