



**Advice note: Shared use of footpaths with cyclists (England)**  
February 2018

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## INTRODUCTION

### 1. The Ramblers' policy on shared use routes (England)

The Ramblers' opposes proposals for cycling to be allowed as a matter of course on footpaths in England. While we will work with other user groups to improve the path network for the benefit of all, we will resist changes which are detrimental to the interests of walkers. Changing the status of a footpath or footway to bridleway or cycle track must be considered on a case-by-case basis, with decisions based on an objective consideration of a range of factors.

### 2. Context

The Department for Transport's latest statistics<sup>1</sup> demonstrate that walking for both utility and recreational purposes is, compared to cycling, a far more popular activity. Furthermore, walking accounts for the majority of all visits to the natural environment.<sup>2</sup> However, statistics<sup>3</sup> also highlight the increasing popularity of cycling, a trend likely to continue particularly given the Government's ambition<sup>4</sup> to increase the number of journeys made by bicycle and on foot.

While cyclists have the right to use a carriageway, it is an offence to cycle on a footway (a pavement running alongside a carriageway). Cyclists have the right<sup>5</sup> to use bridleways (subject to giving way to other users), 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, unless there are local byelaws or traffic regulation orders in force which prohibit such use. Taken together, this means that cyclists currently have a right to access to approximately a quarter of all rights of way in England and Wales.<sup>6,7</sup>

Existing legislation does however enable highway authorities to create shared use routes, defined by the Department for Transport as those which accommodate both pedestrians and cyclists.<sup>8</sup> This can be achieved through the conversion of footways and public footpaths into cycle tracks, or through the establishment of 'higher' rights on routes previously designated as public footpaths. This legislation, coupled with political support to increase levels of cycling and a growing demand from user groups, could have significant consequences for Britain's path network and its nine million walkers.

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<sup>1</sup> Department for Transport (2016) Local Area Walking and Cycling Statistics, 2014/15.

<sup>2</sup> Natural England (2017) Monitor of Engagement with the Natural Environment: The national survey on people and the natural environment – headline Report from the 2015-16 survey.

<sup>3</sup> Royal Society for the Prevention of Accidents (2017) RoSPA Policy Paper: Cycling.

<sup>4</sup> Department for Transport (2017) Cycling and Walking Investment Strategy.

<sup>5</sup> By virtue of section 30 of the Countryside Act 1968.

<sup>6</sup> Cycling UK (2017) Campaigns Briefing: Public Footpaths.

<sup>7</sup> With 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.

<sup>8</sup> Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists.

### **3. Purpose and structure of the advice note**

This advice note is designed to assist Ramblers volunteers in their evaluation of proposals from highway authorities, and other bodies, to create shared use routes for walkers and cyclists. It is concerned with changes to the status of existing routes which can already be made under current legislation. It does not anticipate any legislative changes which may occur in the future nor does it describe any changes which the Ramblers might advocate.

This advice note should be used in conjunction with volunteer knowledge and experience of local conditions and circumstances to ensure that, as far as is possible, proposals for shared use routes are not detrimental to the interests of walkers.

Part one summarises the four most common processes by which proposals are made to provide cycling opportunities associated with existing walking routes. These 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 one also includes a summary of the opportunities to influence proposals for shared use routes and the advantages and disadvantages of differences processes employed. Finally, it includes a section on applications for Definitive Map Modification Orders, a process which can lead to the establishment of 'higher rights'.

Part two of the advice note 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 establish are equally applicable in other contexts. These resources are referenced throughout as footnotes and also appear in part four.

## **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 processes 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 however 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)<sup>9</sup> 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.

Further information on the processes described in part one of the advice note can be found in Cycling England's 2009 publication, Cycle Schemes and Legal Procedures<sup>10</sup> and in Local Transport Note 1/12.

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<sup>9</sup>Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists (chapter 8).

<sup>10</sup><http://webarchive.nationalarchives.gov.uk/20110407103454/http://www.dft.gov.uk/cyclingengland/site/wp-content/uploads/2009/11/cycle-schemes-and-legal-procedures.pdf>.

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

This section describes the conversion of footways, more commonly known as pavements, into combined footways / cycle tracks alongside carriageways.

### **a. Legislation**

Section 329 of the Highways Act 1980 defines a cycle track as “...a way over which the public have a right of way on pedal cycles with or without a right of way on foot.” Sections 65 and 66 of the Act 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(1).

### **b. Consultation**

There is no legal requirement for highway authorities to consult on the conversion of footways into a cycle tracks. However, as noted on page 5, the DfT recommends 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 the case, it may be useful for volunteers to establish contact with highway authority officers to enable meaningful consultation to take place. Highway authorities should be encouraged to engage with this process, not only because of the recommendations from the DfT but because ultimately it should lead to the best outcome for walkers and cyclists.

### **c. Order-making process**

This procedure does not require the making of an order, and there is no formal opportunity to object to such a change. There may however be an opportunity to influence the proposal through any public consultation.

### **d. Further information**

#### **Legislation**

- [Highways Act 1980, s65](#)
- [Highways Act 1980, s66](#)
- [Highways Act 1980, s329](#)
- Rights of Way: A guide to law and practice (2007): p.468

#### **Guidance**

- [Department for Transport \(September 2012\) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists](#)

### 3. Conversion of a public footpath into a cycle track

This section describes the conversion, using provisions set out in the Cycle Tracks Act 1984, of all or part of a public footpath into a cycle track. The Act gives a highway authority powers to designate a footpath or part of a footpath into “...*a highway over which the public have a right of way on a pedal cycle (other than pedal cycles which are motor vehicles) and a right of way on foot*”.

**It should be noted that cycle tracks are not a category of way required to be shown on the definitive map. This means that they are not subject to the legal processes prescribed for the creation, diversion and extinguishment of rights of way.**

**Furthermore, the effect of converting all of a footpath into a cycle track is to require its removal from the definitive map.** This in turn means that it will no longer be shown as public rights of way on Ordnance Survey (OS) maps. While ‘traffic free cycle routes’ can be shown on OS maps, there is no formal process for ensuring that cycle tracks are recorded and no means of distinguishing formal cycle tracks from other permissive cycle routes. If maintainable at the public expense, the route should remain on the List of Streets.

The DfT’s Circular Roads 1/1986: Background to the Cycle Tracks Act 1984 states that where part of the width of the footpath has been converted there will be two adjacent ways: a cycle track and a footpath. The footpath then remains on the definitive map however any statement will need to be amended to reflect its reduced width. It will also continue to be shown on OS maps as a footpath.

In this instance, as pedestrians have the right to use the remaining footpath and, generally, the new cycle track, they will have the right to use the full width of the combined shared route providing the cycling and walking routes are not physically segregated. Where the route is segregated it will be necessary to consider whether the remaining pedestrian route is acceptable, taking into account the considerations set out in part two of this advice note.

#### a. Legislation

Section 3(1) 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, providing a right of way on pedal cycle and foot. 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 1984 specify the detail to be followed for orders made under section 3 of the Act.

#### b. Consultation

Regulation 3 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*”. Though listed in Circular Roads 1/1986 as an organisation a highway authority should consult with, the Ramblers is not always notified of proposals made under the Cycle Tracks Act 1984. It may therefore be useful for volunteers to get in touch with their highway authority to express interest in future plans. 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 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.

It is important to note that Circular 1/1986 also advises highway authorities to ensure that, as part of any explanatory material accompanying statutory notices, the fullest possible detail is given on the works proposed.

### **c. Order-making process**

Regulation 4 details 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.

Regulations 5 to 10 provide detail on the objections process, including local inquiries, consideration of objections and notice of final decision on orders. If there are no objections, or where objections are withdrawn, the order can be confirmed by the highway authority. If there are objections which are not withdrawn the order has to be confirmed by the Secretary of State who will appoint an inspector to examine the arguments. This may be undertaken by written submissions or through a public hearing or inquiry following which the Secretary of State will, depending on the inspector's recommendations, either confirm or reject the order.

### **d. Further information**

#### **Legislation**

- [Cycle Tracks Act 1984](#)
- [Cycle Tracks Regulations 1984](#)
- [Cycle Tracks Regulations 1984: Regulation 3](#)
- [Cycle Tracks Regulations 1984: Regulation 4](#)
- Rights of Way: A guide to law and practice (2007): p.580-584, p.688-691 & p.772-781

#### **Guidance**

- [Department for Transport Circular Roads 1/1986 \(Background to the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984\)](#)
- [Department for Transport \(September 2012\) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists](#)

#### **4. Conversion of a public footpath into a bridleway**

This section concerns the conversion of a public 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, either over existing footpaths or as completely new routes, is therefore an additional way in which highway authorities can increase opportunities for cyclists.

The conversion of a public footpath into a bridleway on the basis of historic or user evidence is covered in section 8 (page 14) below.

##### **a. Legislation**

Section 25 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 26 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. In both cases the result could be a new right of way or the creation of 'higher' rights over existing rights of way, including the conversion of a public footpath into a bridleway.

##### **b. Consultation**

Using provisions in 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. Before making such an agreement a highway authority must consult any other local authority in the area, although not the parish council, or community council (Wales). There is no legal requirement for wider consultation and no mechanism for public objections.

For creation orders made under section 26 of the Act, highway authorities are required to consult other local authorities in whose area the land concerned is situated, but not users, landowners or parish and town councils. In making the order, highway authorities are required to have regard to Rights of Way Improvement Plans.<sup>11</sup>

However, as previously highlighted, early and meaningful consultation is recommended to ensure that proposals are acceptable to all concerned prior to the order being made. For example, Defra's Rights of Way Circular 1/09 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.*

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<sup>11</sup> Section 60 of the Countryside and Rights of Way Act 2000 requires highway authorities to prepare and publish plans detailing an assessment relating to whether rights of way meet present and future public needs and the opportunities provided by rights of way for recreation and accessibility issues. Authorities are also required to set out proposals for the future management and improvement of rights of way in their area.

### **c. Order-making process**

For creation agreements under section 25, the Act requires an authority to have regard to the needs of agriculture and forestry, and to the desirability of conserving flora, fauna and geographical features. The authority must ensure that the path is physically created and the way automatically becomes maintainable at public expense. The only public notification required is a notice in at least one local newspaper.

For creation orders under section 26 of the Act, 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**

#### **Legislation**

- [Highways Act 1980, s25](#)
- [Highways Act 1980, s26](#)
- Rights of Way: A guide to law and practice (2007): p.453-455
- [Public Path Order Regulations 1993](#)
- Rights of Way: A guide to law and practice (2007): p.716-724

#### **Guidance**

- [Defra \(2009\) Rights of Way Circular \(1/09\): Guidance for local authorities.](#)

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

This scenario involves 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 previously which highlight the importance of consultation.

Paragraphs 10.29 to 10.32 of the DfT's Local Transport Note 1/12 explore the ways in which permission routes can be established 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 land crossed by 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 either formally converting it to a cycle track, or creating a bridleway or restricted byway. Otherwise, permission based on a leasehold or freehold interest might be appropriate.

### **Further information**

- [Department for Transport \(September 2012\) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists](#)

## 6. Opportunities to influence proposals for shared use routes – a summary

There is no mechanism by which any individual or non-statutory organisation other than the landowner can veto proposals for shared use but there should be opportunities to exert an influence at the consultation stage, assuming that some form of consultation is carried out. Highway authorities only have a legal obligation to serve notice on the Ramblers when an order is made under section 26 of the Highways Act 1980. It is important therefore that volunteers inform their authorities that they would like to be consulted in all cases where shared routes are proposed.

In the case of conversion of a footway to a cycle track, or of a footpath to a bridleway using a creation agreement, there is no formal order process and the only opportunity for influence is at the consultation stage. While there are opportunities to object to a formal order in the cases of conversion of a footpath to a cycle track, or to a bridleway using a creation order, it is preferable to exercise as much influence as possible at the consultation phase. Where the arguments are convincing, highway authorities may be less likely to make an order since it may be successfully opposed at any subsequent public inquiry. Where an order is made an inspector will expect any objections to be reasonable and within the scope of the relevant legislation. Where objections are considered spurious or vexatious then the objector could be held liable for any costs incurred in an inquiry.

It is therefore advisable to base any objections at both the consultation and order stages on arguments derived from the guidance in part two which is based on national guidance for the creation of shared routes.

<b>Proposal</b>	<b>Legislation</b>	<b>Consultation</b>	<b>Opportunity to influence</b>	<b>Legal implementation</b>	<b>Opportunity to object</b>
Footway > cycle track	Highways Act 1980, s65 and s66	Recommended	Yes, if consulted	Administrative	No
Footpath > cycle track	Cycle Tracks Act 1984, s3	Mandatory ('user representatives')	Yes, if consulted	Order	Yes
Footpath > bridleway (creation agreement)	Highways Act 1980, s25	Recommended	Yes, if consulted	Administrative	No
Footpath > bridleway (creation order)	Highways Act 1980, s26	Mandatory for authorities to serve notice when order is made	Yes	Order	Yes
Permissive agreement	None	Recommended	Possibly, if consulted	May be informal	No

## 7. The advantages and disadvantages of different processes for shared use

Taking into account all the considerations described in part two of this guidance, there may be public footpaths which are suitable for sharing with cyclists. There are advantages and disadvantages arising from each of the processes which enable this to happen.

<b>Scenario</b>	<b>Advantages for walkers</b>	<b>Disadvantages for walkers</b>
Total conversion of a footpath to a cycle track	<ul style="list-style-type: none"> <li>- Walkers have the right to use the full width.</li> <li>- Can still be shown as a 'traffic free cycle route' on Ordnance Survey (OS) maps.</li> </ul>	<ul style="list-style-type: none"> <li>- Removal from definitive map/statement.</li> <li>- No longer subject to standard procedures for changing the path network.</li> <li>- Ramblers not automatically consulted.</li> <li>- No guarantee route will appear on OS maps.</li> <li>- No way of distinguishing formal cycle tracks from other types of traffic-free routes.</li> <li>- No requirement for publicly available record of cycle tracks to replace definitive map and definitive statement.</li> </ul>
Partial conversion of a footpath to a cycle track	<ul style="list-style-type: none"> <li>- Walkers have the right to use the full width unless there is physical segregation of the route.</li> <li>- Remains a public right of way and stays on definitive map and statement. Will be subject to standard procedures for changing the path network.</li> <li>- Remains as a public right of way on OS maps.</li> </ul>	<ul style="list-style-type: none"> <li>- Physical segregation of the route may reduce the width available to walkers.</li> <li>- It is still shown as a footpath on OS maps.</li> </ul>
Conversion of a footpath to a bridleway	<ul style="list-style-type: none"> <li>- Walkers still have the right to use the full width.</li> <li>- Cyclists must give way to walkers and horse riders.</li> <li>- Remains a public right of way and stays on definitive map and statement. Will be subject to standard procedures for changing the path network about which the Ramblers must be notified.</li> <li>- Remains a public right of way on OS maps.</li> </ul>	<ul style="list-style-type: none"> <li>- Requirement to share route with horse riders in addition to cyclists and potential negative impact on path surfaces.</li> </ul>

The conversion of a footpath to a bridleway is likely to be a preferred choice where either the path will be suitable for sharing with horse riders or the circumstances are such that it is unlikely to be used by horse riders. The partial conversion of a footpath to a cycle track is likely to be preferred in most other circumstances. The full conversion of a footpath to a cycle track is likely to be appropriate only in exceptional circumstances.

## **8. Changes to a public footpath through a Definitive Map Modification Order**

The processes outlined above cover the creation by an authority or landowner of a new right or permissions for cyclists to use a public footpath. However another way in which a public footpath may be 'converted' into a bridleway, restricted byway or byway open to all traffic, is through a definitive map modification order (DMMO) on the basis of historic or user evidence under the provisions of the Wildlife and Countryside Act 1981. In this case the modification order does not create a new right for cyclists and equestrians; the depiction of the path on the definitive map and description in the statement are altered to bring them into line with what is legally its position.

While the process is superficially similar to that of a creation order described previously, i.e. consultation, making the order, opportunity for objections, then confirmation or rejection of the order, the potential grounds for objection are very different. One cannot object on the grounds that the path is unsuitable for use by cyclists and equestrians but only on the grounds that either the evidence does not support the alleged status or by providing evidence which invalidates the claim.

Moreover the provisions of the Countryside Act 1968 do not oblige the highway authority or any other person to do anything to facilitate the use of a bridleway by cyclists.

This means that the considerations in part two of this document cannot be used as a basis for objection to a DMMO but they may be helpful in efforts to persuade the authorities to undertake desirable enhancements to the route over and above their statutory responsibilities.

### **Further information**

- Rights of Way: A guide to law and practice (2007): p.120 & p.431
- [Rambler's advice page on claiming an unrecorded right of way](#)

## **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 but perhaps only after some necessary enhancements. This is because every path is different; the result of a 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 part of the advice note sets out some of the most important issues to consider when you are 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, 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, Ramblers will not always receive notification.

- Obtain as much information as possible from highway authorities to enable a thorough evaluation of any proposals. Circular 1/1986,<sup>12</sup> 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.
- Where a highway authority is unwilling to provide the necessary information a Freedom of Information request may in some cases be appropriate.
- 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.
- Remain objective in evaluating proposals for shared use routes and remember that an inspector will expect that any formal objections to an order will be 'reasonable'.

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 decide the location of the proposal, based upon an objective consideration of how the route will meet demand, its place within the wider rights of way network and its contribution to broader 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. Ramblers agrees with the DfT<sup>13</sup> 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. Ramblers agrees with Sustrans<sup>14</sup> and Paths for All/Scottish Natural Heritage<sup>15</sup> which both highlight the importance of strategic planning and ensuring the delivery of a coherent network of routes.

<sup>12</sup>Circular Roads 1/1986 (Background to the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984).

<sup>13</sup>Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists (p.9, paragraph 3.3).

<sup>14</sup>Sustrans (2014) Design Manual Chapter 5: Traffic Free Routes: Conceptual design (draft) route types, alignment and general principles (p.3).

<sup>15</sup>Paths for All/Scottish Natural Heritage (undated) Shared Use Paths in Scotland: Guidance on promoting, developing and managing paths for responsible shared use (section 3, p.17, paragraph d).

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. The introduction of 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 widths adequate for shared use?**

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 will ideally be at least 3m wide, with 2m an absolute minimum. In determining appropriate widths, it is important 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 within the legally defined width of the path 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 segregation will take.

The DfT,<sup>16</sup> Sustrans,<sup>17</sup> and Paths for All/Scottish Natural Heritage<sup>18</sup> all highlight the need to take account of local circumstances. All of these documents offer detailed advice on the additional widths needed in various 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 segregation will take. Each proposal will differ,

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<sup>16</sup>Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists (p.40 – 44).

<sup>17</sup>Sustrans (2014) Design Manual Chapter 5: Traffic Free Routes: Conceptual design (draft) route types, alignment and general principles (p.3).

<sup>18</sup>Paths 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, p.21).

depending on local circumstances such as route width, overall setting, volume and composition of users, visibility and 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 15.

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

	<b>Segregated routes</b>	<b>Unsegregated routes</b>
<b>Advantages</b>	<ul style="list-style-type: none"> <li>- Can increase user confidence and safety.</li> <li>- Can aid ease of movement for different user groups.</li> <li>- Can reduce perception of user conflict.</li> </ul>	<ul style="list-style-type: none"> <li>- Can be relatively straightforward and inexpensive to implement.</li> <li>- Can be less visually intrusive.</li> <li>- Can make better use of available widths.</li> <li>- Can encourage more considerate behaviour and positive interaction between different user groups.</li> </ul>
<b>Disadvantages</b>	<ul style="list-style-type: none"> <li>- Can reduce available width.</li> <li>- Necessary kerbs/barriers can cause problems for those seeking to cross the route.</li> <li>- Where white lines are used, these can be ignored leading to conflict.</li> <li>- Requires greater widths.</li> <li>- Often more expensive to implement.</li> <li>- Can lead to more territorial behaviour by different user groups.</li> </ul>	<ul style="list-style-type: none"> <li>- High volumes of one user group can impact negatively on others.</li> <li>- Can present difficulties for those with visual or hearing impairments.</li> </ul>

These key documents from the DfT, Sustrans and Paths for All/Scottish Natural Heritage also describe in detail the 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

The introduction of 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 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 Sustrans,<sup>19</sup> Paths for All/Scottish Natural Heritage<sup>20</sup> and the British Horse Society<sup>21</sup> 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, including the nature and numbers of the likely future users, 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. Design criteria for footbridges for use by pedestrians, cyclists and equestrians are specified by Highways England.<sup>22</sup> Useful information is also provided by Sustrans.<sup>23</sup> The criteria for subways are in older Highways Agency (now Highways England)<sup>24</sup> guidance.

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<sup>19</sup> Sustrans (2014) Design Manual Chapter 6: Traffic free routes: Detailed design (draft) Construction and ancillary details (section 5, p.11 – 16).

<sup>20</sup> Paths 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, p.22 – 24).

<sup>21</sup> British Horse Society(2016) Advice on surfaces for horses (p.5).

<sup>22</sup> [http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol2/section2/BD2917\\_May.pdf](http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol2/section2/BD2917_May.pdf).

<sup>23</sup> Sustrans (2015) Bridges and other structures (draft).

<sup>24</sup> <http://www.standardsforhighways.co.uk/ha/standards/DMRB/vol5/section1/td3793.pdf>.

#### **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 are a growing concern. However it should also be remembered that there are benefits from lighting, such as improved access in evenings or at night – particularly relevant during autumn and winter – and perceptions of safety. Sustrans provides detailed guidance<sup>25</sup> 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 should be provided of the measures which will be adopted when the shared use route comes into being. It is essential that maintenance is factored into proposals for shared use routes, and that the proposals give 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 DfT<sup>26</sup> 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 as part of plans to enable cycling to take place.

#### **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, including conflict, that may arise. It is important that this information is then used to improve conditions for all users, and that lessons are learned for proposals elsewhere. Section 4 of guidance<sup>27</sup> from Paths for All/Scottish Natural Heritage provides useful monitoring and management information, including case studies detailing how this is applied in practice.

#### **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

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<sup>25</sup> Sustrans (2014) Chapter 5: Traffic free routes: conceptual design (p.37 and 38).

<sup>26</sup> Department for Transport (September 2012) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists (p.28 – 31).

<sup>27</sup> Paths for All/Scottish Natural Heritage (undated) Shared Use Paths in Scotland: Guidance on promoting, developing and managing paths for responsible shared use (section 4, p.31 – 33).

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 objectives<sup>28</sup> and contribute towards national policy agendas.<sup>29</sup>

**I. Safety: Has the final proposal been subjected to appropriate audits? In particular, has there been an independent professional safety audit?**

It may be desirable for an independent audit of usability and safety to be commissioned by an authority making proposals for shared use routes. Pages 30 and 31 of Local Transport Note 1/12 provide some useful information on this, as does page 16 of guidance from Paths for All/Scottish Natural Heritage, which highlights the importance of safety as a key factor in successful shared use routes. It also includes the need to ensure the reduction/elimination of potential hazards and the need to ensure the promotion of safety and comfort for all users. It is also important to note the perception of reduced safety, because it can have an impact on user comfort, especially for older people and those with disabilities.

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<sup>28</sup> <https://www.gov.uk/guidance/local-authority-rights-of-way-improvement-plans>.

<sup>29</sup> <https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>.

### **PART THREE: GLOSSARY**

**Bridleway:** A way over which the right of way is on foot, on horseback and, under the terms of the section 30 of the Countryside Act 1968 (with certain exceptions) on bicycle.

**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.

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

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

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

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

**Restricted byway:** A way over which the public has a right of way on foot, on horseback, on bicycles and on vehicles, other than mechanically-propelled vehicles.

## **PART FOUR: KEY REFERENCES AND FURTHER READING**

### **Key references in this advice note**

[British Horse Society\(2016\), Advice on surfaces for horses.](#)

[Cycling England \(2009\), Cycle schemes and legal procedures: Final report.](#)

[Department for Transport Circular Roads 1/1986 \(Background to the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984\).](#)

[Cycling UK \(2017\) Campaigns Briefing: Public footpaths.](#)

[Defra \(2009\) Rights of Way Circular \(1/09\): Guidance for local authorities.](#)

[Department for Transport \(September 2012\) Local Transport Note 1/12: Shared use routes for pedestrians and cyclists.](#)

[Department for Transport \(2017\) Cycling and Walking Investment Strategy.](#)

[Paths for All/Scottish Natural Heritage \(undated\) Shared use paths in Scotland: Guidance on promoting, developing and managing paths for responsible shared use.](#)

[Sustrans \(2014\) Design Manual Chapter 5: Traffic free routes: Conceptual design \(draft\) route types, alignment and general principles.](#)

[Sustrans \(2015\), Design Manual Chapter 8: Bridges and other structures.](#)

### **Further reading**

[Atkins \(2012\), Shared Use Operational Review, Department for Transport.](#)

[Living Streets \(2016\), Sharing the Space: A study of four shared-used paths in London.](#)

[Ramblers: Types of paths in England and Wales.](#)

[Ramblers: Know your signs.](#)

[Sustrans \(2014\), Segregation of Shared Use Routes: Technical Information Note 19.](#)

[Inclusive Design for Getting Outdoors \(I'DGO\): Adjacent and shared use \(cyclists and pedestrians\) of footways and footpaths](#)