

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Rugby Area Committee

**Date of Committee** 21st September 2006

**Report Title** **Black Path Footbridge - Provision of Improved Facilities for Pedestrians and Cyclists**

**Summary** The Black Path forms an important route between Brownsover and Rugby town centre. A footbridge carries the Black Path over the West Coast Main Line (WCML). The main section of the footbridge has recently been demolished by Network Rail as part of the WCML upgrade works, and will be replaced later this year. An improvement to the northern steps of the bridge is currently being developed by Network Rail and St Modwen. An improvement is also needed to the southern section of the footbridge, the delivery of which will require a proactive involvement from the County Council. This report seeks authority from the Area Committee to undertake a consultation on a proposed scheme to improve the southern section of the footbridge.

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**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** Warwickshire Final Local Transport Plan 2006 (LTP)

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

Other Committees  .....

Local Member(s)  Councillor Ms K King – supports the consultation.  
(With brief comments, if appropriate) Councillor J Wells – supports the consultation.

- Other Elected Members  Councillor M Heatley – for information.
- Cabinet Member  .....  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive  .....
- Legal  I Marriott – comments incorporated.
- Finance  C Holden – agreed.
- Other Chief Officers  .....
- District Councils  .....
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  .....

**FINAL DECISION**                      **YES/NO**      (*If 'No' complete Suggested Next Steps*)

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  To be brought before the Committee 23rd November 2006 following completion of consultation.
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

## Rugby Area Committee - 21st September 2006

### Black Path Footbridge - Provision of Improved Facilities for Pedestrians and Cyclists

#### Report of the Strategic Director for Environment and Economy

##### Recommendation

That Area Committee authorises a consultation to be undertaken on a proposed improvement to the Black Path footbridge, the results of which will be brought before the next Area Committee meeting for further consideration.

#### 1. Background

- 1.1 The Black Path is a public right of way that forms an important pedestrian route between Rugby town centre and Brownsover. The footpath runs from the Oxford Canal near the A426 Leicester Road, to Woodbridge Court off Wood Street. The path crosses the West Coast Main Line (WCML) via a stepped bridge, and travels through the former Alstom/GEC site north of the railway line. The path is very well used by local people due to the limited number of opportunities that exist to cross the railway line between the two sides of the town.
- 1.2 As Members will be aware, the former Alstom/GEC site to the north of the WCML is due to be redeveloped shortly as part of an agreed Masterplan for the area, which includes sites off Boughton Road, Leicester Road and the Borough Council owned Livestock Market adjacent to the railway station. It is anticipated that the proposed redevelopment of this area will substantially increase the usage of both the footpath and the bridge. Warwickshire College has committed to relocating to the Leicester Road site (in close proximity to the Black Path), and is aiming to open a new facility in 2008/9.
- 1.3 The Warwickshire Final Local Transport Plan 2006 supports a proposed upgrade of the Black Path as part of the redevelopment of the former Alstom/GEC site, and the provision of a shared pedestrian/cycle bridge over the WCML.
- 1.4 The footbridge over the WCML itself falls into four discrete sections. The main spans over the operational rail lines are owned by Network Rail, as are the steps on the northern side of the railway line. On the southern side, ownership and responsibility for the structures fall on two private landowners: Close Property,

who own the freehold on the Woodside Business Park, and La Plaza Development, who purchased an undeveloped site on the Woodside Business Park from Close Property, which is located to the west of the Black Path. These four Sections A-D are shown on the plan contained in **Appendix B** of this report. The plan also shows the location of the development site owned by La Plaza.

## **2. Network Rail Responsibilities**

- 2.1 The main bridge spans which carried the Black Path footbridge over the WCML (Section A shown in **Appendix B**) were taken down over the Whitsun Bank Holiday weekend at the end of May 2006. This was a necessary part of the committed West Coast Route Modernisation works, as it will allow the realignment of the tracks through Rugby to increase linespeed, and allow appropriate signal sighting distances to be achieved. Network Rail will replace this section of the bridge over the Christmas 2006 period with a new 2.5m wide fully lit structure. The Black Path will then reopen early in January 2007.
- 2.2 This work will clearly improve the central section of the bridge; however the two ends of the structure will remain in poor condition and inaccessible to cyclists and those with impaired mobility. Network Rail and St Modwen (the developers of the former Alstom/GEC site) are currently in discussion regarding an improvement to the northern steps (Section B). Agreement over the design of the improvement and who will pay for it has still to be resolved. The County Council has recently written to Network Rail urging that resolution of these issues be achieved by both parties as a matter of urgency.

## **3. Southern Section of the Footbridge**

- 3.1 Addressing the accessibility of the southern section of the bridge is somewhat more complex to resolve given its current multiple ownership. The section of the bridge from the Network Rail boundary which passes over the Webb Ellis Business Park on Woodside Park (Section C) is owned by Close Property. It would appear from the original conveyance documentation that liability for this part of the footbridge was transferred to Close Property when the site was sold to them by the British Rail Property Board. It is the County Council's current understanding that the southern steps and the remainder of the Black Path as far as Woodbridge Court (Section D) are the responsibility of La Plaza Development.
- 3.2 Officers from the County Council attended an initial meeting with Close Property on 17th May 2006, at which Rugby Borough Council and Network Rail were also present. Along with the issues described above, it was raised with Close Property whether they would be interested in transferring the ownership and maintenance responsibilities for their section of the Black Path footbridge (i.e. Section C) to the County Council. With such a transfer would come a financial contribution to address its immediate maintenance/renewal needs, along with a commuted sum towards its longer term maintenance requirements. Close Property have indicated that they would be willing to enter into further dialogue with the County Council on this matter (possibly in conjunction with La Plaza Development), and it is hoped come to an agreement on an appropriate financial settlement.

- 3.3 Close Property are currently checking to confirm whether, when they sold the adjacent development site to La Plaza Development, the sale included all ownership, maintenance and renewal responsibilities for the final bridge pier, the southern steps, and the section of the Black Path as far as Woodbridge Court (i.e. Section D). Officers are currently awaiting confirmation on this point from Close Property.
- 3.4 The most feasible improvement to the southern access of the Black Path footbridge would be the provision of a new span from the Network Rail boundary over Woodside Park to the existing brick pier which supports the southern steps (i.e. to replace Section C). A 1 in 15 ramp would replace the existing steps, linking the footbridge to the southern end of Section D before it reaches Woodbridge Court. It is suggested that this improvement form the basis of the proposed consultation set out later in this report.

## **4. Responsibilities of the County Council**

- 4.1 As a public right of way, the County Council has a basic obligation to maintain the surface of the Black Path so that it is safe to use for its intended purpose. Should the footbridge fall into disrepair or become unsafe, the County Council can pursue the owners to fulfil their maintenance and renewal obligations, as set out in the conveyance documentation. Should the structural integrity of the footbridge deteriorate such that it becomes unsafe for the public to use the facility, the County Council could consider closing the footpath. Overall however, there is no obligation on the County Council to upgrade or improve the bridge to be significantly better than its original condition.
- 4.2 A visual assessment undertaken by the County Council prior to the main bridge spans over the operational railway being taken down by Network Rail confirmed that the footbridge is in a poor state of repair with an estimated lifetime of no more than five to ten years without significant maintenance being undertaken. While there is clearly a commitment from Network Rail to replace the main bridge spans and to work with St Modwen to deliver an improvement to northern steps, there is at present no proactive commitment from either Close Property or La Plaza Development to either maintain or improve the southern sections of the bridge for which they are responsible.
- 4.3 As noted earlier, the current structure of the bridge with its stepped access makes it inaccessible to cyclists and anyone with a mobility impairment. As a highway authority, the County Council is committed to doing what it reasonably can to remove obstacles which make routes significantly harder for mobility impaired people to use. What can reasonably be done is limited by the fact that the County Council does not own any part of the bridge, nor does it have any statutory power to force the owners of the bridge to make alterations. In these circumstances, the County Council can only attempt to achieve its objectives by doing all it can under its own legal powers, and by seeking to negotiate with the owners of the bridge to facilitate a voluntary way forward, possibly by reminding them of their own liabilities and obligations under the conveyances which were agreed when the land was bought from the British Rail Property Board.

4.4 Based on these key issues, it is felt that in the circumstances the County Council should:-

- (i) Work with Close Property and La Plaza Development to ensure that the southern section of the Black Path footbridge is properly maintained for the safety of the public to use it for its intended purpose.
- (ii) Consult on an improvement to the footbridge with a view to putting forward a proposal to Cabinet, subject to the agreement of Area Committee and to a satisfactory funding deal being agreed with the relevant landowners.

## **5. Impact on Local People and the Need for Consultation**

5.1 Any significant improvement to the southern access of the Black Path footbridge as described in paragraph 3.4 above will clearly have a significant impact on local residential dwellings on Woodbridge Court, The Sidings and from the rear of a number of properties on Wood Street. It may be possible to mitigate the impact through the design of the structures themselves and the use of planting along the western edge of the housing site.

5.2 In order to gauge local opinion it is proposed to undertake a consultation on the proposed improvements to the southern access to the Black Path footbridge. This would include not only local residents but also other interested bodies and organisations whom the County Council would normally consult on a shared foot/cycleway proposal, i.e.:-

- (i) Local County Councillor(s).
- (ii) Rugby Borough Council.
- (iii) Warwickshire Police.
- (iv) Local residents.
- (v) Local schools.
- (vi) Local pedestrian groups, e.g. Living Streets.
- (vii) Rugby Cycle Forum.
- (viii) Groups representing mobility/visually/hearing impaired people.
- (ix) Sustrans.
- (x) Better Brownsover Partnership.

5.3 It is proposed to undertake the consultation during October 2006, with a view to reporting the results to the next Area Committee meeting in November.

## 6. Cost Estimates

- 6.1 Replacement of the central bridge spans by Network Rail is costing in the order of £2 million. These costs are being wholly met by the West Coast Route Modernisation project.
- 6.2 Cost estimates for the replacement of the northern steps are currently being prepared by Network Rail and St Modwen. Initial estimates have suggested that the provision of a ramped access could cost in the order of £400,000-500,000. Agreement over who will meet these costs is still to be resolved by the two parties.
- 6.3 Initial estimates from the County Council's Bridge Design team have indicated that replacement of the existing structure on the south side of the bridge with a new span and a two-stage set of ramps will also cost in the order of £400,000-500,000. If funding could be secured from Close Property/La Plaza Development as described above in paragraph 3.2, then one option to fund the remaining shortfall would be to use money from the Local Transport Plan settlement.
- 6.4 Provision of a fully accessible bridge for pedestrians, cyclists and the mobility impaired would meet a number of LTP objectives, and would support the County Council's Walking and Cycling Strategies. The Black Path bridge forms part of the Rugby urban area cycle network, as well as the proposed Sustrans National Cycle Network Route 53. Provision of this link will significantly improve cycle access across Rugby, and will open up a number of opportunities for journeys to be made by bike for training, employment and retail purposes.

## 7. A Way Forward

- 7.1 Given the likely issues that an improvement to the southern access to the Black Path footbridge are likely to raise with local residents, authority to undertake a consultation is sought from the Area Committee. The results of the consultation will be reported to the next meeting of the Area Committee on 23rd November 2006.
- 7.2 In order to progress a scheme to improve the southern access to the Black Path footbridge, an outline programme has been prepared and is included in **Appendix A** of this report.

JOHN DEEGAN  
Strategic Director for Environment and Economy  
Shire Hall  
Warwick

8th September 2006

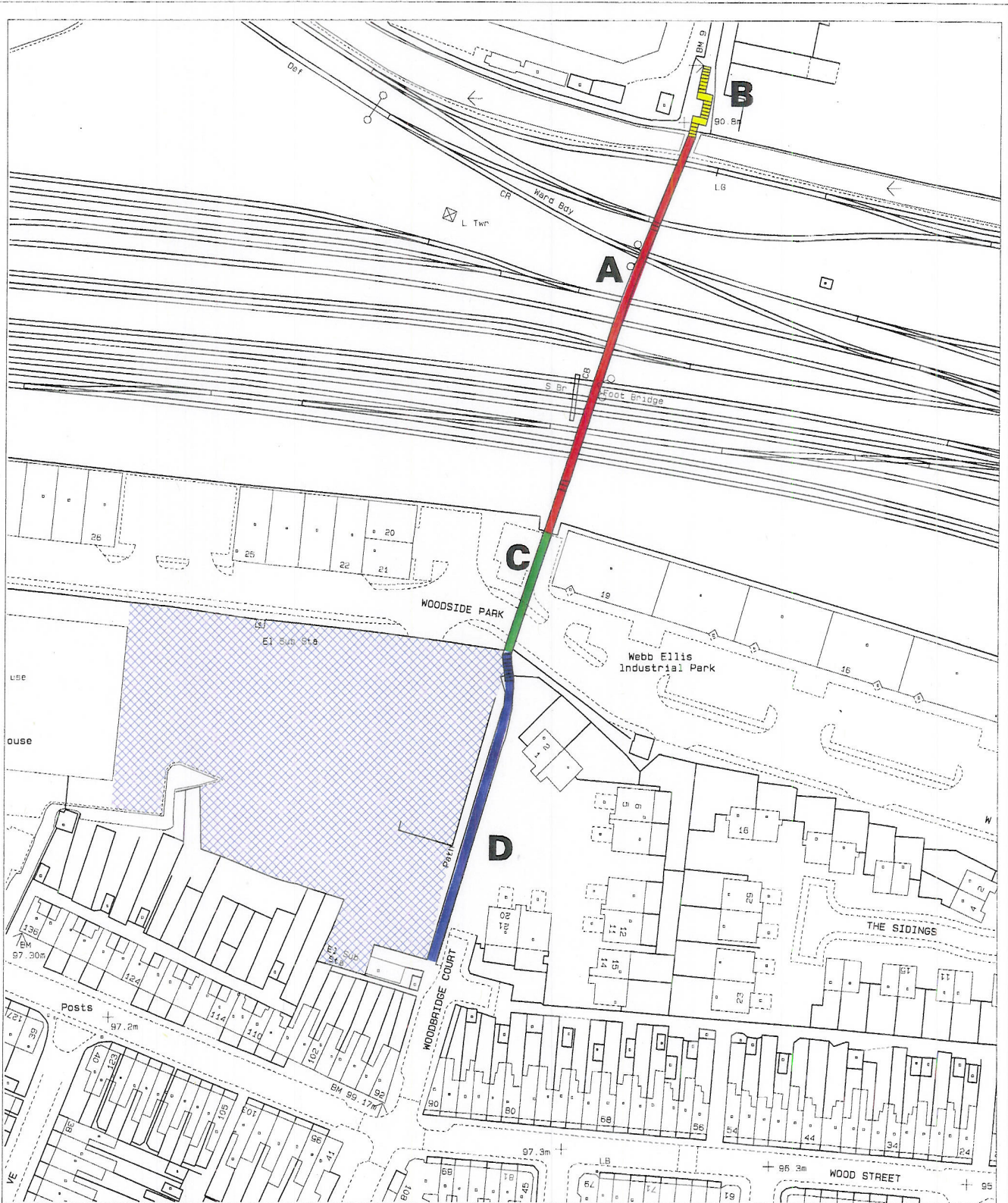
**Rugby Area Committee - 21st September 2006**

**Black Path Footbridge - Provision of Improved Facilities for Pedestrians and Cyclists**

**Programme for delivery of improvements to the Black Path footbridge (southern section)**

<b>Date</b>	<b>Task</b>	<b>Notes</b>
Spring/Summer 2006	Identify landowners and maintenance/replacement liabilities.	Completed for Close Property element of the footbridge. To be established for La Plaza Development.
Spring/Summer 2006	Begin initial discussions with landowners (Close Property and La Plaza Development).	Meeting held with Close Property on 17/5/06. Meeting currently being arranged with La Plaza Development.
September 2006	Seek authority from Rugby Area Committee to undertake a local consultation on the proposed improvement.	-
October 2006	Undertake consultation with local residents and relevant groups/organisations.	-
November 2006	Report results of consultation to Rugby Area Committee.	-
December 2006	Complete negotiations with Close Property and La Plaza Development regarding transfer of future ownership and maintenance of the southern section of the Black Path footbridge to the County Council.	-
December 2006	Identify shortfall in funding and level of LTP funds required.	-
January 2007	Include scheme in the proposed outline Transport Capital Programme for 2007/08 and report to Cabinet.	-
February 2007	Draw up legal agreements for transfer of ownership/maintenance responsibilities from Close Property and La Plaza Development to the County Council.	-
March 2007	Report to Rugby Area Committee on proposed detailed Transport Capital Programme for 2007/08.	-
May 2007	Report to Cabinet seeking final approval of detailed Transport Capital Programme for 2007/08.	-
May/June 2007	Prepare preliminary scheme design and undertake Stage 1 Safety Audit.	-
July 2007	Undertake a second phase consultation based on preliminary scheme design.	-
August 2007	Prepare detailed scheme design and undertake Stage 2 Safety Audit.	-
Autumn 2007	Prepare contract documentation and let tender.	-
Winter 2007	Construct scheme.	-





Scale NOT TO SCALE

Ref No

Drawn c BURROWS

Checked A Hart

CA Form 21  
02/98

**A) Owned by Network Rail (Bridge spans over operational railway)**

**B) Owned by Network Rail (Northern Steps)**

**C) Owned by Close Property (Bridge span over Woodside Park)**

**D) Owned by La Plaza Development (Southern Steps & Footpath)**

 **Site owned by La Plaza Development**

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