

Goodchild, Harry

From: Atiq, Nawal <Nawal.Atiq@highways.gsi.gov.uk>
Sent: 23 September 2014 17:23
To: Goodchild, Harry
Subject: Map modification form- M3 Junction 9
Attachments: Message from hapr10041; Message from hapr10041; Message from hapr10041; SHAPR1003914092316030.pdf; Shapr1004114092316230.pdf

Dear Harry

I have completed the required form and provide a brief explanation below as to why the route in question should in our opinion not be dedicated as a bridleway;

Lengthy discussions have taken place between Sustrans, CTC and the Highways Agency for many years. I have been able to extract the attached available records from our electronic database, dating back to 2010, which clearly demonstrate the Agency's position.

It has been made clear that the path was not classified as a cycleway, and therefore, should not be used by cyclists. Safety concerns were also highlighted, such as the width of the overbridge (which is below the current standards absolute minimum for a shared cycleway), as well as the height of the subway being below standard.

I see you are aware from a previous email, part of this section may have to be excluded from the claim as cycling on a footway next to a road is an offence. The junction layout clearly highlights that it was not constructed with the view to accommodating the movements of cyclists. The width of the footpath provided would not have sufficient room to provide safe provision for both pedestrians and cyclists without requiring significant alterations to the existing structure or even perhaps a new structure.

The 1980 Side Roads Order for the original scheme only refers to the stopping-up of Easton Lane and the creation of the roundabout and there is no reference of the footpath. Also, there would be no need for the length of path that falls within HA ownership to be dedicated for use by the public, as the land on which it sits has been acquired for the new road and so can be used by the public as a matter of course, without the need for a specific dedication. This is why the footpath is not shown on the Council's definitive footpath map.

Therefore, the public already have a right to use this path as a footpath and so for this reason, the application to convert this section of path to bridleway should be refused.

The Highways Agency are also undertaking a major study to explore options of M3 Junction 9 which may call for significant improvements. We have previously advised stakeholders including HCC, SUSTRANS and the CTC that the provision of Non-Motorised user facilities will be carefully considered during this study.

Taking forward a scheme in isolation for either addressing the structural height issue (Current underpass system) or widening the bridge to facilitate all non-motorised users, (without combining in a larger scheme to improve journey times/ safety for all road users) would be unlikely to offer a high benefit to cost ratio and remain unfunded.

Although you state that safety or suitability of the route are not taken into consideration when determining the status, the aforementioned reasons together with the provisions of the 'cyclists

dismount' signs that have been installed at either end of the subway in 2013 as part of the Easton Lane Pinch Point scheme indicates that there was never any intention by the Highways Agency to support the route in question being dedicated as a bridleway, therefore, it would be appropriate for the route to remain as a footpath (With any future use being reviewed as part of the M3 Junction 9 improvement study).

I hope that this provides you with enough information to make a decision, if you need to discuss any of the above please do not hesitate to give me a call.

Kind regards

Nawal Atiq

Highways Agency | Federated House | London Road | Dorking | RH4 1SZ

Tel: +44 (0) 1306 878364

Web: <http://www.highways.gov.uk>

GTN: 3904 8364

Safe roads, reliable journeys, informed travellers
Highways Agency, an executive agency of the Department for Transport.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.