

Helensburgh, Cardross and Dumbarton Cyclepath Update

1.0 EXECUTIVE SUMMARY

- 1.1. This report updates Members on the progress made since the previous report to the Helensburgh and Lomond Area Committee on 12 September 2023 in relation to the delivery of a dedicated, high quality walking and cycle path linking Helensburgh, Cardross and Dumbarton. The delivery of this path is a stated Council Priority.
- 1.2. WSP and Officers continue to work on engaging with landowners to enable comment on the designs, securing landowner agreement to enable environmental survey access and on continued engagement with other key stakeholders to secure support for the designs. Since the previous update, Officers and WSP have met on-site with one landowner and Officers have been in dialogue with the land agents for other landowner to arrange a meeting.
- 1.3. Civic Engineers are developing the initial community engagement to help identify the preferred route linking the existing cyclepath at Morrisons Supermarket / Hermitage Academy to Helensburgh Town Centre and the new section of segregated cycleway under construction at Helensburgh Waterfront. It is planned this engagement will be undertaken in January 2024.

RECOMMENDATIONS

- 1.4. It is recommended that the Helensburgh and Lomond members:
 - 1.4.1. Support the continued efforts by WSP and Officers to try to engage with landowners.
 - 1.4.2. Welcome the planned community engagement to support the identification of a preferred route linking Morrisons Supermarket/Hermitage Academy to Helensburgh Town Centre/Waterfront.
 - 1.4.3. Consider the feedback received from Scottish Government Civil Servants, directing us to Planning Circular 6/2011: Compulsory Purchase Orders, which provides guidance on the use of CPO powers and the general considerations required.

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2.0 INTRODUCTION

- 2.1. This report updates Members of the progress made since the Helensburgh and Lomond Area Committee on 12 September 2023 in relation to the delivery of a dedicated, high quality walking and cycle path linking Helensburgh, Cardross and Dumbarton. The delivery of this path is a stated Council Priority.
- 2.2. Full details of the project, including previous progress is available in the project update reports previously presented to this Committee.

3.0 RECOMMENDATIONS

- 3.1. It is recommended that the Helensburgh and Lomond members:
- 3.1.1. Support the continued efforts by WSP and Officers to try to engage with landowners.
- 3.1.2. Welcome the planned community engagement to support the identification of a preferred route linking Morrisons Supermarket/Hermitage Academy to Helensburgh Town Centre/Waterfront.
- 3.1.3. Consider the feedback received from Scottish Government Civil Servants, directing us to Planning Circular 6/2011: Compulsory Purchase Orders, which provides guidance on the use of CPO powers and the general considerations required.

4.0 DETAIL

- 4.1. The Council's Active Travel Team, 1.7 FTE (Full Time Equivalent employees), is part of the Strategic Transport Team within the Development and Economic Growth Service. No Council funding is currently received by the Active Travel Team. All project costs, including internal staff costs, have to be funded via successfully securing highly competitive external challenge funds.
- 4.2. In 2023/24, to date the Active Travel Team secured £2.56M external funding for the development and delivery of a total of 22 projects across Argyll and Bute, including the Helensburgh – Cardross – Dumbarton Cyclepath. This required 18 separate competitive funding applications, to 5 separate funds.

Design

4.3. Transport Scotland's Places for Everyone (PFE) programme is structured around 8 project stages with a competitive challenge fund, with the 32 local authorities, 7 regional transport partnerships, two national parks and numerous community groups across Scotland competing against each other to secure the funding each project requires.

4.4. A minimum of three new competitive funding submissions are required to complete a project using PFE funding, with competitive applications required, as a minimum, prior to Stage 0 (Strategic Definition), Stage 3 (Developed Design) and Stage 5 (Construction). The project stages are (0) Strategic Definition, (1) Preparation and Brief, (2) Concept Design, (3) Developed Design, (4) Technical Design, (5) Construction, (6) Handover & Close Out and (7) In Use.

4.5. **Phase 1 Colgrain to Cardross & Phase 2 Cardross to Dumbarton**

4.5.1. Officers and WSP continue to work and try to engage with affected landowners in relation to the planned design in order to gather their comments on the proposed designs and shape the designs appropriately. It is also necessary to gain landowners approval to allow the necessary ecology surveys, albeit some will now require to be completed in 2024 as they are season dependent. However, to complete the work within the programme (Appendix 1) is still dependent on positive and responsive engagement from landowners, who we continue to try and engage with, utilities networks and key stakeholders.

4.5.2. Funding for the design development has been secured from the Strathclyde Partnership for Transport (SPT) Capital Programme and Transport Scotland's PFE programme. The Transport Scotland PFE programme, funded by the Scottish Government, is a highly competitive challenge fund, with the 32 local authorities, 7 regional transport partnerships, two national parks and numerous community groups across Scotland competing against each other to secure the funding each project requires, and which also requires projects to closely comply with the ever evolving design requirements set by the paid administrators of the funding, Sustrans.

4.6. **Phase 3 Helensburgh Town**

4.6.1. Civic Engineers are working to develop a community engagement to help identify the preferred route linking the existing cyclepath at Morrisons Supermarket / Hermitage Academy to Helensburgh Town Centre and the new section of segregated cycleway at Helensburgh Waterfront, and to identify the most appropriate locations in Helensburgh which the route should seek to serve to best meet community needs. It is planned that the main community engagement for the first stage of the design process will be undertaken in January 2024.

4.6.2. This work is being funded via a successful competitive application to the highly competitive Transport Scotland PFE Programme, with the 32 local authorities, 7 regional transport partnerships, two national parks and numerous community groups across Scotland competing against each other for this funding, and to

the SPT Capital Programme with 12 local authorities competing for the funding. Future stages of work will be subject to Officers, requiring again, to successfully secure future external competitive challenge funding and/or the allocation of Council funding.

Construction (stage 5)

4.7. Cardross Rail Station to Geilston Burn

4.7.1. Cardross Rail Station to Geilston Burn. The Council's Roads and Infrastructure Service have completed installation of most elements of the cyclepath through Cardross Park, with only a small amount of fencing still to be installed. This work has been funded by the SPT Capital Programme and the Scottish Government's Cycling, Walking and Safer Routes (CWSR) fund.

4.7.2. To protect the public, the bridge over the Geilston Burn has been fenced off until access is agreed to further land on the west side of the Burn to construct the path through to an accessible destination.

Land Access / Acquisition

4.8. As instructed by this Committee, Officers have made contact with Highland Council to seek to understand their experience of utilising Section 22 Path Orders, including a more detailed understanding of the process.

4.9. As instructed by this Committee, Officers have been in contact with Scottish Government civil servants to seek additional information on the detailed process for the submission and determination of a Compulsory Purchase Order (CPO). The response received noted that Civil Servants are limited in the advice they would be able to offer in respect of what enabling power, be that transport or planning, the Council may wish to use if a CPO is decided to be taken forward. Further, they directed Officers to Planning Circular 6/2011: Compulsory Purchase Orders which sets out the policy on the use of CPO powers and the general considerations. Civil servants confirmed they could undertake a "technical check" which can be used in advance of a CPO being submitted, which would focus on checking the relevant documentation that is in place rather than looking at the merits and justification of any particular Order.

4.10. "Planning Circular 6/2011: Compulsory Purchase Orders" provides guidance in relation to the potential to use, key considerations and process to be followed by any statutory authority who has CPO powers. The circular provides guidance on; engaging early with the people affected in order to seek to attempt to acquire the land by agreement; the justification for making a CPO; engaging with the people affected after making a CPO; process for sending the CPO to Scottish Ministers for confirmation; taking possession and legal title to the land; and, compensation.

4.11. Officers have also engaged with the Council's Legal service and the Council's legal advisors, Brodies, to gain their advice on the process, timescales and cost of developing a CPO. At time of writing the Council's Legal service are awaiting a reply from Brodies.

Match Funding

- 4.12. Transport Scotland's Places for Everyone (PFE) programme, administered by Sustrans, **requires a minimum of 30% of total construction cost is secured by the Council from alternative, non-Transport Scotland derived, sources.**

As the requirements placed upon the project by the Places for Everyone funding criteria and additional demands of Sustrans PFE Officers around elements of the design result in a premium design, and therefore expensive to construct, the 30% construction match funding requirement is forecast to be in excess of £2M.

Phasing construction over a number of financial years will enable maximisation of suitable external match funding, however this will result in a longer construction programme. Accelerating the construction programme will require additional match funding to be secured, from internal and/or external sources, which could prove challenging given the current economic climate.

- 4.13. At present no construction match funding has been positively identified, and would require externally to be secured through competitive bidding against 32 local authorities, 7 regional transport partnerships, two national parks and numerous community groups across Scotland for PFE Construction funding. While SPT Capital Fund is eligible as match, depending on the timescale for construction and the other demands for SPT Capital Funding (competitive bid funding against 12 competing local authorities) it is considered that alternative sources of match funding should be sought, including consideration if any internal Council funds could be allocated to the delivery of this Council Priority.

Maintenance

- 4.14. Sustrans have started requesting a written maintenance plan and confirmation of how this will be funded and delivered prior to approving any Construction funding. As such, members require to decide how the future maintenance of the cyclepath, including sections of route already in place, will be delivered. At present, the Council does not receive any funding for the maintenance of cyclepaths and none of the current external funding sources secured through competitive bidding for active travel include maintenance as an eligible cost. This anomaly has been repeatedly raised by Officers with Transport Scotland Officials and it is widely acknowledged to be inconsistent with the Scottish Government's commitments regarding capital funding for active travel projects.
- 4.15. The Roads and Infrastructure Service are the single service within the Council which possesses infrastructure maintenance teams appropriately trained and qualified to undertake maintenance of cyclepaths, however it is acknowledged these teams are already near capacity delivering the Roads and Infrastructure Service commitments. The Roads and Infrastructure Service has previously stated they do not wish to adopt sections of cyclepath remote from the public road.

Programme

- 4.16. **Appendix 1** provides the current programme of the key stages and forecast timescales for each section of the Phase 1: Helensburgh to Cardross section of the Cyclepath; Phase 2: Cardross to Dumbarton; and, Phase 3: Helensburgh: Hermitage Academy to Town Centre.
- 4.17. **Appendix 2** provides an update with regard to the current position on landowner engagement. **[EXEMPT]**

5.0 CONCLUSION

- 5.1. Completion of the Helensburgh, Cardross and Dumbarton Cyclepath will provide a dedicated, high quality, accessible walking and cycle route linking Helensburgh, Cardross and Dumbarton. This route will provide opportunities for all in the Helensburgh – Cardross – Dumbarton corridor to travel more sustainably and actively by walking and cycling. This will provide a safe alternative to having to use a private car to travel between these communities and help lower Argyll and Bute’s carbon footprint. Funding for these works has been secured from our key active travel partners with further bids being developed to enable the construction of further sections of the cycleway following completion of design work and as and when land acquisition has been concluded.
- 5.2. The delivery of the Helensburgh – Cardross – Dumbarton Cyclepath is dependent on completing the design work, securing highly competitive external challenge funding, committing appropriate match funding and securing access to private land for the route.

6.0 IMPLICATIONS

- 6.1. **Policy** Completion of this project will support the Council’s SOA outcomes 2: We have infrastructure that supports sustainable growth and 5: People live active, healthier and independent lives. The project also supports achievement of the Scottish Government’s objectives set out in the Cycling Action Plan for Scotland (CAPS) and Let’s Get Scotland Walking - The National Walking Strategy.
- 6.2. **Financial** The design, construction and land purchase will be funded by external competitive funding applications. The Council has not contributed any funding to design or capital costs. There is strong evidence that people who are more active, for example by walking or cycling, have better physical and mental health and are less likely to require social care services in later life which could result in a future saving to the Council or HSCP.

- 6.3. **Legal** Continued input will be required from Legal Services to support contractual agreements and land purchase including a CPO should this be deemed necessary.
- 6.4. **HR** None.
- 6.5. **Fairer Scotland Duty:**
- 6.5.1 Equalities Completion of this project will provide opportunities for all in the Helensburgh – Cardross – Dumbarton corridor to travel more sustainably and actively by walking, wheeling and cycling.
- The route has been designed to be DDA compliant and will provide a safe and accessible route for those with mobility aids including wheelchairs and parents/guardians with a child’s pram or buggy.
- 6.5.2 Socio-economic Duty The route, once completed, will offer residents the opportunity to choose to travel using active travel, which are lower cost than alternative modes of transport. The route will also improve access to essential services, retail, leisure and employment opportunities for residents living along the route, with studies demonstrating those who travelled actively had a higher monthly spend in local businesses than those who travel via motorised transport. The path will also offer opportunities for individuals to travel for leisure, again encouraging spend in local businesses along and connected by the route.
- 6.5.3 Islands There are no adverse impacts.
- 6.6. **Climate Change** Active Travel is the least carbon intensive mode of travel. Providing the opportunity for residents and visitors to consider an alternative to having to use a private car to travel between these communities will help lower Argyll and Bute’s carbon footprint.
- 6.7. **Risk** There is a reputational risk to the Council if the project is not completed within a reasonable timeframe.
- 6.8. **Customer Services** None.

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Appendix 1: Helensburgh, Cardross & Dumbarton Cyclepath Programme
Appendix 2: Update on Land Negotiations for Helensburgh, Cardross and Dumbarton Cyclepath [EXEMPT]