
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 December 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. Within Helensburgh Town (Phase 3), community engagement was undertaken between 01 to 29 February 2024 to support identification of key locations to be served and potential routes for the cycleway within the built up area of Helensburgh. An in-person drop-in session was held at the Market in Colquhoun Sq on Sat 24 Feb for members of the public who wished to speak to the design team face-to-face. The design team also visited local schools to speak to school pupils about the cycleway.
- 1.3. WSP has agreed that 15 March 2024 will be the final termination date of their current design contract for Phase 1 (Colgrain – Cardross) and Phase 2 (Cardross – Dumbarton). At time of writing, Officers are working with WSP to support them to complete as many of the contracted deliverables as is reasonably achievable.
- 1.4. Following 15 March, Officers will review the deliverables from WSP to (a) identify any omissions or area requiring further work; and, (b) determine the best course of action to continue to progress the design package to a final, deliverable stage.
- 1.5. The Council can seek a Compulsory Purchase Order (CPO) for the proposed route and is only in a position to do so once that route is fully defined. Once the Council resolves to obtain a CPO, permission for that must ultimately be authorised by Scottish Ministers. If a CPO is authorised then the Council must pay appropriate compensation.
- 1.6. Where landowners are willing to agree on the acquisition and compensation the CPO process can happen fairly quickly. Where a landowner(s) contest an acquisition or CPO the process can take up to two or more years depending on the complexity and whether and how the CPO is disputed by one or more parties.

- 1.7. The applications guidance for the new Transport Scotland Active Travel Infrastructure Fund (ATIF) for construction projects states that all projects will require some element of match funding. However, the guidance does not specify a minimum match funding percentage. While the lack of a specific match funding value to plan against is unhelpful, Officers understand that there is not an expectation from Transport Scotland that match funding would exceed the 30% required by the now terminated PFE Construction challenge fund. Based this, it is recommended Members plan based on the cyclepath requiring construction match funding not exceeding £2M. At present no construction match funding has secured.
- 1.8. As part of the final technical design, Sustrans PFE staff have requested a written maintenance plan and confirmation of how this will be funded and delivered. 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.
- 1.9. The Roads and Infrastructure Service includes 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, and the Roads and Infrastructure Service has previously stated they do not wish to adopt sections of cyclepath remote from the public road.
- 1.10. Members may wish to consider if there is a role for local community group volunteers to support the routine maintenance of the cyclepath, for example annual vegetation maintenance. Similar maintenance work is undertaken by community groups for cyclepaths in other locations.

RECOMMENDATIONS

- 1.11. It is recommended that the Helensburgh and Lomond members:
 - 1.11.1. Welcome the community engagement to support the identification of a preferred route linking Morrisons Supermarket/Hermitage Academy to Helensburgh Town Centre/Waterfront.
 - 1.11.2. Instruct Officers to progress with review of deliverables received from WSP, identification of outstanding requirements and to progress with securing these deliverables including sourcing funding for these as appropriate.
 - 1.11.3. Consider the guidance from Legal Services in relation to CPO process and timescales.
 - 1.11.4. Instruct Officers to submit a report to Council requesting approval for development and submission of a CPO for all land required to construct and maintain the preferred route alignment for the whole of Stage 1 (Colgrain to Cardross) and Stage 2 (Cardross to Dumbarton) of the Helensburgh – Cardross Dumbarton Cyclepath.

1.11.5. Consider how they can secure of match funding towards land acquisition and construction of this priority project, including from internal Council sources.

1.11.6. Consider future maintenance options for the cyclepath, including if there is a role for community group volunteers.

Helensburgh, Cardross and Dumbarton Cyclepath Update

2.0 INTRODUCTION

- 2.1. This report updates Members of the progress made since the Helensburgh and Lomond Area Committee on 12 December 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. Welcome the community engagement to support the identification of a preferred route linking Morrisons Supermarket/Hermitage Academy to Helensburgh Town Centre/Waterfront.
- 3.1.2. Instruct Officers to progress with review of deliverables received from WSP, identification of outstanding requirements and to progress with securing these deliverables including sourcing funding for these as appropriate.
- 3.1.3. Consider the guidance from Legal Services in relation to CPO process and timescales.
- 3.1.4. Instruct Officers to submit a report to Council requesting approval for development and submission of a CPO for all land required to construct and maintain the preferred route alignment for the whole of Stage 1 (Colgrain to Cardross) and Stage 2 (Cardross to Dumbarton) of the Helensburgh – Cardross Dumbarton Cyclepath.
- 3.1.5. Consider how they can secure of match funding towards land acquisition and construction of this priority project, including from internal Council sources.
- 3.1.6. Consider future maintenance options for the cyclepath, including if there is a role for community group volunteers.

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.

Funding

- 4.3. Transport Scotland's Places for Everyone (PFE) programme is the primary external active travel design funding available in Scotland. It 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. As of 2024/25, the construction element of the funding has been taken into a separate competitive fund, Transport Scotland's Active Travel Infrastructure Fund (ATIF). ATIF still requires a separate competitive application to be submitted but is, currently, only open for applications once a year. All projects submitted to ATIF must be ready in all respects to commence construction, including having any legal or regulatory approvals required in place.
- 4.5. A minimum of three new competitive funding submissions are required to complete a project using external funding, with competitive applications required, as a minimum, to PFE prior to Stage 0 (Strategic Definition) and Stage 3 (Developed Design) and to the new Transport Scotland ATIF prior to 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.
- 4.6. As briefed in the separate Active Travel Update Paper to this Committee, Transport Scotland have informed local authorities that they plan to significantly alter the model used to distribute active travel funding over the next 2 years. It is Officers understanding that the changes will result in some of the active travel funding being included within the Council's block grant allocation from Scottish Government, with the remainder administered in the form of competitive challenge funds primarily by Transport Scotland. Officers also understand that further funding changes in the later stages of the 2 year transition period will favour those local authorities who choose to commit their active travel block grant allocation in full to appropriate active travel projects.

Match Funding

- 4.7. The applications guidance for the new Transport Scotland Active Travel Infrastructure Fund (ATIF) for construction ready projects states that all projects

submitted for construction funding will require some element of match funding. However, the guidance does not specify a minimum match funding percentage. Rather it states that the ATIF team will engage during the assessment process to determine the requirements for match funding.

- 4.8. While the lack of a specific match funding value to plan against is unhelpful, Officers understand that there is not an expectation from Transport Scotland that match funding would exceed the 30% required by the now terminated PFE Construction challenge fund. Based on not exceeding the 30% value, it is recommended Members plan based on the cyclepath requiring construction match funding not exceeding £2M.
- 4.9. 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.
- 4.10. At present no construction match funding has secured. It is likely to be beneficial to the project if sources of construction match funding could be secured at an early stage, including consideration of any internal Council funds which could be allocated to the delivery of this Council Priority.

Maintenance

- 4.11. Sustrans have requested a written maintenance plan and confirmation of how this will be funded and delivered as a deliverable during the Stage 3 (Developed) and Stage 4 (Technical) design process. 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 recognised to be inconsistent with the Scottish Government's commitments regarding capital funding for active travel projects.
- 4.12. The Roads and Infrastructure Service are the single service within the Council which includes 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.
- 4.13. Members may wish to consider if there is a role for local community group volunteers to support the routine maintenance of the cyclepath. While unlikely to be skilled or qualified for the less frequent 'heavier' technical maintenance of drainage or path surfacing, community groups may be able and willing to assist with the more routine elements of maintenance, for example annual vegetation maintenance. Similar maintenance work is undertaken by community groups for cyclepaths in other locations.

Design

Phase 1 Colgrain to Cardross & Phase 2 Cardross to Dumbarton

- 4.14. WSP has agreed that 15 March 2024 will be the final termination date of their current design contract for Phase 1 (Colgrain – Cardross) and Phase 2 (Cardross – Dumbarton). WSP have provide an outline list of design outputs which they don't expect to deliver by 15 March. As such, consideration will require to be given as to how these design outputs can best be delivered to enable the project to complete all required design stages.
- 4.15. WSP have informed Officers that they don't expect to complete the following design outputs within the remaining time of their commission:
- Ground Investigation
 - Habitats Regulation Appraisal
 - Planning Application
 - Utility C4
 - Drainage Design
 - Flood Risk Assessment
 - Land valuation
 - Archaeological Assessment
- 4.16. It is also acknowledged that the scaling back of WSPs design outputs prior to the termination date of their contract on 15 March 2024 will result in a hiatus in relation to providing information requested by landowners including, for example, detailed drainage designs. Officers will be writing to affected landowner to inform them of the termination of WSP as the design contractor and that, once a new design team are in place, they will be in touch with landowners to progress the discussions.
- 4.17. While the design work has, to date, been funded by jointly by the Strathclyde Partnership for Transport (SPT) Capital Programme and Transport Scotland's PFE programme, the decision to de-fund the SPT Capital Programme in 24/25 results in the project being fully reliant on securing 24/25 PFE funding or internal Council funding in order to complete the outstanding design requirements.

Phase 3 Helensburgh Town

- 4.18. An online community engagement was held between 1 to 29 February 2024 to help identify a 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. An in-person event was held at the Helensburgh Market on Saturday 24 February with Civic Engineers design team and Council Officers in attendance.
- 4.19. While the design work has, to date, been funded by jointly by the Strathclyde Partnership for Transport (SPT) Capital Programme and Transport Scotland's

PFE programme, the decision to de-fund the SPT Capital Programme in 24/25 results in the project being fully reliant on securing 24/25 PFE funding or internal Council funding in order to complete the outstanding design requirements.

Construction (stage 5)

Cardross Rail Station to Geilston Burn

- 4.20. 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.
- 4.21. With the changes to the active travel funding model for 24/25 onwards, it is expected that the costs for the remaining fencing work will require to be covered from, as yet to be identified, internal Council budgets.
- 4.22. 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 Acquisition

- 4.23. The Council can seek a Compulsory Purchase Order (CPO) for the proposed route and is only in a position to do so once that route is fully defined. Once the Council resolves to obtain a CPO, permission for that must ultimately be authorised by Scottish Ministers. Thus, the Council cannot unilaterally utilise their compulsory purchase powers. If a CPO is authorised then the Council must pay appropriate compensation, but it can take both legal and physical possession of the property before agreement on the amount of compensation to be paid is reached or determined by the Lands Tribunal where this is disputed. Possession can only be obtained if:
 - The compulsory purchase is confirmed (i.e. approved) by Ministers;
 - Any legal challenge to the compulsory purchase has been exhausted; and
 - The Council has served formal notices taking ownership or access.
 - There are limited grounds on which an objection to a CPO can be made. If objections are made then it is for Scottish Ministers to determine whether to hold an inquiry before an independent reporter. In the event that the order is subsequently confirmed by Scottish Ministers then there is a six week period within which the validity of the order may be challenged in the Court of Session.
- 4.24. The whole CPO process can happen fairly quickly, where there are parties willing to agree on the acquisition and compensation. In this case the Council is dealing with a number of landowners (12 in total) and the Service is aware of some who have already indicated their intention to contest any acquisition or CPO. In that case the matter can take up to two or more years depending on the complexity and whether and how the matter is disputed by one or more parties.

4.25. Once a CPO is made then it must be used within a limited time, usually three years, otherwise it will expire.

Risk

4.26. Risk refers to events which have not yet happened but which could impact on the project if they were to happen. A risk can be negative or positive to the project. Risks are identified through the lifetime of the project and, where possible, mitigation is planned to minimise negative impacts or maximise positive impacts. As risks evolve relatively slowly through the lifetime of a project, it is not expect that the tables below will alter significantly within the current stage of work.

4.27. Project risks relate to risks which could affect the overall project. Table 1 provides the top 5 identified project risks and planned mitigation

Table 1: Selected Project Risks

Risk	Risk Description	Risk Level	Mitigation
Land acquisition	Inability to secure agreement for land required within an acceptable timescale and cost.	High	<ol style="list-style-type: none"> 1. Engagement with landowners to gain acceptance of design. 2. Use of Council's Estates Team to lead land acquisition. 3. Consideration of option of a CPO.
Funding	Inability to secure necessary funding to pay of either (a) design work; and/or, (b) construction costs.	Medium	<ol style="list-style-type: none"> 1. Close engagement with external funders to ensure project meets their funding requirements. 2. Officers continue to explore potential alternative funding sources. 3. Early engagement with Members to identify potential sources of construction match funding.
Programme	Inability to meet challenging programme timeline.	Medium	<ol style="list-style-type: none"> 1. Regular review of programme. 2. Work with key stakeholders to understand programme drivers and barriers. 3. Establish realistic timescales for each package of work.
Community support	Loss of community support for the project.	Low	<ol style="list-style-type: none"> 1. Consult the community on key design decisions as appropriate. 2. Seek to deliver project which meets community's key requirements. 3. Keep community informed via project updates at appropriate times, including publicly available quarterly committee reports.
Funder requirements	Failure to meet external funder requirements, thereby losing funding.	Low	<ol style="list-style-type: none"> 1. Engage with funders to fully understand their requirements. 2. Ensure project outcomes/outputs meet funders' requirements. 3. Review funding options regularly to ensure funding sought/secured is most appropriate to the project.

4.28. Design risk refers to risk that the design fail to meet the required standards and/or design conditions imposed by external factors, for example environmental requirements. Design risks, if allowed to occur, can become issues which may mean the project design has to be changed, which can cause delays and cost increases. Defects or failures in the design can also result in an increase in future maintenance costs. Table 1 provides the top 5 identified design risks and planned mitigation.

Table 2: Selected Design Risks

Risk	Risk Description	Risk Level	Mitigation
Ground Conditions	Lack of Ground Investigation (GI) limits understanding of the ground conditions the route will be constructed over.	High	<ol style="list-style-type: none"> 1. Design route to be as robust as practicable. 2. Undertake Ground Investigation works at earliest practicable date.
Ecological Impacts	Working adjacent to the Inner Clyde SSSI and RAMSAR site results in additional ecological requirements which the designs must meet.	High	<ol style="list-style-type: none"> 1. Engage with regulators, e.g. NatureScot, at early stage in design. 2. Undertake comprehensive ecological surveys to inform design. 3. Develop full Habitat Regulations Appraisal to ensure ecological requirements taken into account in design.
Drainage	Constructed at the foot of the slope, the design will require to cater for all run-off and drainage from the slopes above, while satisfying regulatory requirements.	Medium	<ol style="list-style-type: none"> 1. Develop drainage designs through design process. 2. Engage with regulators, e.g. SEPA, at early stage in design. 3. Engage with landowners, as repository of knowledge of existing conditions, during design development.
Flood Risk	The route is close to and, in locations, within areas identified as at risk from 1 in 200 year flood events.	Medium	<ol style="list-style-type: none"> 1. Develop flood risk assessment at early stage in design process to identify key areas of risk. 2. Keep flood risk assessment under review through design process. 3. Design of cyclepath to take account of flood risk where appropriate.
Proximity to railway	The majority of the route is in proximity to the live railway and requires to ensure the designs do not negatively impact on the railway.	Medium	<ol style="list-style-type: none"> 1. Early engagement with Network Rail to understand their safety and operational requirements. 2. Seek to agree 'standard' approach to mitigating safety and operation requirements which can be applied to all or most of route. 3. Review of designs to ensure railway safety and operational risk is mitigated appropriately.

Programme

4.29. **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.

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 design and construction of further sections of the cycleway 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. External funding is not currently available to cover maintenance costs. To date, 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.
- 6.9. **The Rights of the Child (UNCRC)**
- Active travel is the most accessible mode of travel to young people, as it does not have any minimum age limits, does not require any form of licence, is free to use and is not tied to any fixed timetable. All new active travel infrastructure is designed to be utilised by an unaccompanied 12 year old. Engagement feedback demonstrates even stronger support for the delivery of the Helensburgh – Cardross – Dumbarton Cyclepath from younger members of the community than the already high overall level of community support. Wider engagement with school pupils indicates that the vast majority of pupils strongly support the provision of new active travel infrastructure, even where it would adversely impact other modes of transport.

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Appendix 1: Helensburgh, Cardross & Dumbarton Cyclepath Programme