

Report to Decision Making Session for the Cabinet Member for Environment & Highways

26 February 2024

Subject:	West Bromwich Connected Project - Cycle Track along the 'Middleway' at Europa Village
Cabinet Member:	Environment and Highways Councillor Danny Millard Regeneration and WMCA Councillor Peter Hughes
Director:	Alice Davey Director - Borough Economy Tammy Stokes Assistant Director - Growth & Spatial Planning
Key Decision:	No
Contact Officer:	Andy Miller Strategic Planning & Transportation Manager, andy_miller@sandwell.gov.uk

1 Recommendations

- 1.1 That the decision taken by the Cabinet Member for Environment and Highways on 15 March 2022, to proceed with the construction of the proposed cycle route on the 'Middleway' at Europa Village Estate as shown on Drawing. No. 40412 S/1, be ratified and confirmed.
- 1.2 That the Director – Borough Economy be authorised to make any minor amendments to the scheme considered necessary as a result of detailed design.
- 1.3 That subject to 1.1, the Director – Borough Economy be authorised to complete the necessary statutory procedures.








- 1.4 That the Director – Borough Economy informs objectors of the decision of the Cabinet Member for Environment and Highways.

2 Reasons for Recommendations

- 2.1 Following the project's approval by the Cabinet Member for Environment on 28th June 2022, a petition was received by the Council on 2nd November 2022 containing 150 signatures. This petition opposed the upgrading of the 'Middleway' path to create an off-road cycle route between Europa Avenue and Sandwell Valley. In addition, the petition raised concerns regarding how the consultation was carried out, whilst generally supportive of the resurfacing the path to improve it for pedestrians. On receipt of the petition, Cabinet Petitions Committee referred the matter to the Economy, Skills, Transport & Environment (ESTE) Scrutiny Board to consider whether Council protocols and procedures relating to consultation were correctly followed. The project was halted pending the Board's finding.
- 2.2 ESTE Scrutiny Board discussed the matter on 13th June 2023 and agreed that a working group be established to investigate the petitioners' concerns. The working group subsequently met with petitioners on site on 4th August 2023. Following its investigation, the working group reported its findings to the Board on 3rd September 2023. The working group was satisfied that the consultation was conducted in accordance with Council processes. The Board therefore referred its findings to Cabinet Petitions Committee on 8th November 2023.
- 2.3 In the light of ESTE Board's findings, Cabinet Petitions Committee resolved that no further action should be taken in respect of the petition. The Head petitioner was subsequently informed of the decision.
- 2.4 Due to the time that has elapsed since the original decision to proceed with the project, it is felt prudent to uphold that decision and re-confirm that the scheme should proceed.



3 How does this deliver objectives of the Corporate Plan?

	<p>Best start in life for children and young people</p> <p>The proposals will provide a much safer highway environment in which children and young people can walk and cycle.</p>
	<p>People Live Well and Age Well</p> <p>The installation will help reduce the potential for road harm and provide facilities to encourage greater use of sustainable travel modes such as walking and cycling, which will have the added benefit of improving health and wellbeing.</p>
	<p>Strong Resilient Communities</p> <p>An improved highway safety environment will make our communities feel safer, more protected, and confident in their homes and neighbourhoods.</p>
	<p>A Strong and Inclusive Economy</p> <p>Our local highways are the arteries of our communities. They connect our residents to employment, education, local services and indeed the wider world.</p>
	<p>A Connected and Accessible Sandwell</p> <p>The scheme will provide facilities to encourage greater use of modes such as walking and cycling, linking safely with local bus and rail routes.</p>

4 Context and Key Issues

4.1 The proposed cycle track through the ‘Middleway’ is part of a wider project to complete the West Bromwich Connected Cycle Route Proposal 2 which connects to the West Midlands Local Cycling & Walking Infrastructure Plan (LCWIP) route proposals to Sandwell Valley via Europa Avenue to its full extent as initially proposed. This would deliver an end to end cycle and walking route in accordance with the route proposals in Sandwell’s Cycling and Walking Infrastructure Plan (SCWIP) which was approved by Cabinet in January 2020 and in line with the submission for Accelerated



Town Deal Funding that was awarded to Sandwell MBC by government for this scheme.

- 4.2 The scheme, which is shown on Dwg. No. 40412 S/1 (attached at Appendix A) involves the widening and resurfacing of the footpath known as the 'Middleway' to enable it to be used by both pedestrians and cyclists in accordance with the principles of Local Transport note 1/20 (LTN 1/20). There is a general presumption that wherever feasible, cycle tracks should be segregated from motorised traffic and be 'off carriageway'. The path is currently in poor condition (see photographs at appendix B) and the scheme would therefore improve conditions for pedestrians that currently use it.
- 4.3 All 350 addresses on the Europa Village Estate were consulted by letter, a proposals leaflet and questionnaire. The Transport Planning Team received 44 replies, with 22 in favour of the cycling upgrade and 22 opposed.
- 4.4 At a Cabinet Member meeting on 15th March 2022, the now former Cabinet Member for Environment, Councillor Ahmed Bostan, considered the responses received and concluded that the scheme should proceed as originally proposed given the split in responses received from the consultation. However, due to a change in the portfolio holder covering Transportation Planning and Highway Services from Councillor Ahmed Bostan to Councillor Zahoor Ahmed, further briefings were undertaken. On 31st May 2022, a Delegated Powers Report was considered by Councillor Zahoor Ahmed as the Cabinet Member for Environment. This report recommended that the scheme should proceed as planned and this was approved. On the 28th June 2022, the authority was officially signed by the Cabinet Member for Environment and subsequently, on the 16th September 2022, letters were sent to residents informing them that approval had been given to proceed with the scheme as planned.
- 4.5 In response to the letters sent to residents on 16th September 2022 informing them of the decision to proceed with a scheme, a petition was received by the Council on 2nd November 2022 containing 146 signatures. This petition opposed the approved scheme between Europa Avenue and



Sandwell Valley via the 'Middleway' path whilst generally supportive of the resurfacing the path. On receipt of the petition, Cabinet Petitions Committee referred the matter to ESTE Board for consideration. The Europa Avenue petition and has been discussed at the following meetings: -

7th December 2022 Cabinet Petitions Committee;

18th January 2023 Cabinet Petitions Committee;

1st March 2023 Cabinet Petitions Committee;

21st June 2023 Cabinet Petitions Committee.

- 4.6 Following representations made by the petitioners in relation to their concerns around the consultation process and the cycle route proposals, a report was submitted to the Economy, Skills, Transport and Environment (ESTE) Scrutiny Board.
- 4.7 The Board concluded that the consultation was conducted in accordance with Council processes
- 4.8 Following representations made by the petitioners in relation to their concerns around the consultation process and the cycle route proposals, officers had submitted a report to ESTE Scrutiny Board. The Board considered the matter at its meeting on 3rd October 2023 following a site visit and passed the following recommendation:

'That in connection with the Europa Avenue Cycle Path Consultation, the following findings of the Economy, Skills, Transport and Environment Scrutiny Board Working Group, in relation to whether sufficient and appropriate consultation had been carried out in line with existing council policies, practices and procedures, be approved by the Economy, Skills, Transport and Environment Scrutiny Board:- (1) That having listened and considered the views of local residents, the Economy, Skills, Transport and Environment Board:- (a) note that the Working Group are satisfied that consultation on the Europa Avenue cycle path, which was carried out both online and by letter drops to households, was conducted in accordance with Council processes, however, communication with residents could have been improved further; (b) note that in future, where



simultaneous improvement works are being carried out within the vicinity by different departments, internal communication between departments should be undertaken to avoid confusion and disruption to residents; (c) suggest that the Council consider all platforms, including Citizen space and neighbourhood forums, for communicating with residents, taking into consideration digital deprivation across the borough; (d) acknowledge that the Overview and Scrutiny function should be used to consider matters of strategic importance within the borough and not local ward issues in order to ensure value is added.'

5 Alternative Options

5.1 The Cabinet Member for Environment and Highways could decide to not proceed with the proposals. However, this could potentially result in a loss of funding and leave a section of the National Cycle Network below currently expected standards of provision.

6 Implications

Resources:	The budget to implement the scheme is approximately £208,545. This will be made available through the West Bromwich Town Deal using funding from the Department for Levelling Up, Housing & Communities (DHLUC) Towns Fund, and from the Local Network Improvement Plan element of the City Region Sustainable Transport Settlement (CRSTS).
Legal and Governance:	The Grant Agreement shall be governed by and construed in accordance with the Law of England and Wales and the Parties irrevocably submit to the exclusive jurisdiction of the English and Welsh courts once this report is approved. Under section 65 (1) of the Highways Act 1980, a highway authority may, in or by the side of a highway maintainable at the public expense by them which consists of or comprises a made-up carriageway, construct a cycle track as part of the highway; and they may light any cycle track constructed by them under this section. To convert all



	<p>or part of a footway to a shared pedestrian and cycle route, all or the appropriate part of the footway must be removed under section 66 (4) of the Highways Act 1980, and a cycle track 'constructed' under section 65 (1) of the act. No physical construction is necessary but there needs to be clear evidence that the local highway authority has exercised these powers. This can be provided by a resolution of the appropriate committee or cabinet member.</p>
Risk:	<p>The main risks are delaying the delivery of the schemes on site until approval is given and therefore missing the spend deadline, resulting in a potential loss of funding for Sandwell MBC</p>
Equality:	<p>An equality impact assessment was carried out during the development of the Sandwell Cycling and Walking Infrastructure Plan and the proposed infrastructure adheres to latest Government Guidance. Furthermore, an independent Road Safety Audit has been undertaken to ensure the schemes facilitate the safety of all users of the highway.</p>
Health and Wellbeing:	<p>A transport system that is easily accessible, reliable, and affordable contributes to life satisfaction and wellbeing in multiple ways. It enables access to work, friends, and family, as well as health-supporting facilities such as schools, colleges, parks, libraries, and health care centres. The proposed walking and cycling scheme will have a positive impact on the health and wellbeing of local communities by encouraging active travel and the associated health benefits of increasing physical activity and minimising the time spent sitting down.</p>
Social Value:	<p>Providing high-quality walk and cycle links to the stops will give greater opportunity for composite active travel and tram journeys, providing better access to local jobs, education, and facilities, as well as providing access to the wider West Midlands Region</p>



	through the rail network and existing metro. This will improve opportunities, reduce inequality, and will reduce car dependency, improving air quality and wellbeing. The proposed cycle route will also form part of a network that will link communities to employment, education, transport hubs, town centres and other services.
Climate Change:	Sandwell Council has joined other councils in England that have declared a Climate Emergency and as a result developed and adopted a Climate Change Strategy 2021-2041. Within Sandwell’s Climate Change Strategy Action Plan 3 for Transport states that Sandwell Council will “Implement highway measures and transport facilities that fully accommodate and promote the use of public transport, cycling and walking, making journeys by such methods easier, faster and safer, alongside measures to discourage car use. This active travel scheme aims to do this.
Corporate Parenting:	The funding will deliver cycling and walking improvements to public transport services as well as near schools and will encourage active travel which is good for our physical and mental health. Switching more journeys to active travel will improve health, quality of life and the environment for children and young people.

7. Appendices

Appendix A – Dwg. No. 40412 S/1 Draft drawing of proposed pedestrian and cycle route

Appendix B – Photographs of Middleway path surface conditions.

8. Background Papers

Sandwell’s Cycling & Walking Infrastructure Plan



https://www.sandwell.gov.uk/download/downloads/id/29952/sandwell_cycling_and_walking_infrastructure_plan_2020.pdf

