

REPORT TO: PLANNING & TRANSPORTATION COMMITTEE – 18 AUGUST 2003

REPORT ON: PROVISION FOR CYCLISTS THROUGH THE PORT OF DUNDEE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 473-2003

1 PURPOSE OF REPORT

- 1.1 To advise members of the outcome of detailed discussions with Forth Ports regarding the provision of a dedicated cycle route through the operational dock area of Dundee Port and to recommend that the Council seek to assert the formal existence of a right of way through the Port of Dundee.

2 RECOMMENDATIONS

- 2.1 That the Director of Support Services be remitted to apply to the relevant Court for the assertion of a public right of way in East Camperdown Street and Stannergate Road and to seek an interim interdict on any action by the Port of Dundee to prevent a public right of way over these roads.
- 2.2 In the event of Forth Ports being able to design an acceptable route for cyclists at a more realistic cost, that the Chief Executive be authorised to enter into discussions with interested parties to raise the necessary finance and that, in principle, it be accepted that the Council would also contribute towards such a proposal (subject to Committee approval).

3 FINANCIAL IMPLICATIONS

- 3.1 The cost of the necessary legal action can be contained within the Council's Revenue Budget for 2003/04.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The provision of opportunities and facilities for cycling is an important component of the Council's policies on sustainability and on the encouragement of leisure and recreation activities.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 Cycling is an activity and form of transport which has a high accessibility to all sections of society, greater public access to such facilities would further the Council's social inclusion objectives.

6 BACKGROUND

- 6.1 At present there is no formal or dedicated route for cyclists through the operational area of Dundee Port, as a result of this the Green Circular Cycle Route and other national and international cycle routes have to be officially diverted onto adjoining public roads to the north. These roads are very heavily trafficked and inconvenient, therefore, many cyclists have been in the habit of using East Camperdown Street and Stannergate Road in order to traverse along the northern edge of the port. Both of these roads are in the private ownership of the Dundee Port Authority which in turn is owned by Forth Ports.
- 6.2 At the end of May 2003, Forth Ports decided to prevent all non-dock related traffic from using East Camperdown Street and Stannergate Road, this included a ban on cyclists using the route and this was enforced by their security staff. The reasons given by Forth Ports for this

action were related to concerns regarding Health and Safety matters. Considerable concern regarding Forth Ports action was voiced by cyclists and other citizens throughout Dundee and beyond.

- 6.3 As a result of this situation, the Council entered into discussions with Forth Ports and Sustrans (a national cycle route charity) in order to establish whether a dedicated cycle route could be provided along the northern edge of the docks area. To this end, Forth Ports commissioned traffic consultants to undertake a feasibility study on the provision of such a route.
- 6.4 Following the preparation of this study report by their consultants, Forth Ports have advised the Council and Sustrans that they believe that the only viable or feasible way of creating a dedicated cycle route through the Port of Dundee would be to fence off and surface a 4m wide strip of land alongside the railway line at a cost of £1.2m. The Council has expressed its concern regarding Forth Ports view that the provision of a dedicated cycle route can only be achieved in this manner as it would be unattractive for cyclists and would be prohibitively expensive. The Council is also concerned that Forth Ports will not accept any responsibility for the cost of providing such a route.
- 6.5 The Council has been provided with evidence and statements from members of the public who are able to claim peaceable use of these roads for over twenty years. On this basis there is a very strong case, despite the Port Authority's attempts to deny public access, that a public right of way exists over these roads.
- 6.6 As the relevant enforcing authority, it is therefore now incumbent upon the Council to seek to assert this public right of way through the relevant court. If such an action were successful, then it would clearly oblige Forth Ports to make adequate and safe provision for the passage of the public along these roads be they pedestrians, cyclists or drivers. If the action were unsuccessful, then it would clarify the issues involved by supporting Forth Ports' stance on denying access. The provision of a suitable alternative route would then have to be addressed by the Council.

7 CONSULTATIONS

- 7.1 The Chief Executive, Deputy Chief Executive (Finance), Deputy Chief Executive (Support Services), and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 None

Mike Galloway
Director of Planning & Transportation

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Dundee City Council
Tayside House
Dundee