

Why does the Council allow cyclists on the upper and lower promenades at the beach when there is a perfectly safe road to use?

In the case of the lower promenade, cyclists and pedestrians are both entitled to use the path as it is separate from the road and therefore not deemed to form part of it, meaning that cycling is legal there.

Concerning the upper promenade, this is designated as a Core Path alongside the Beach Esplanade between King Street and the Beach Ballroom roundabout. Cyclists are permitted on Core Paths. The remaining section of the upper promenade, alongside the Esplanade, south of the Beach Ballroom roundabout is classed as pavement and cyclists are not permitted on pavements. More information about Core Paths in Aberdeen can be found here

<https://www.aberdeencity.gov.uk/services/environment/core-paths-plan>

In all cases the Council's advice is for cyclists in these shared spaces to behave responsibly/ be considerate and when in and around pedestrians to give way to them, leaving plenty of room for them to pass, be prepared to slow down and stop if necessary. If a cyclist wants to go at the same speed as a vehicle then they should be on the road, in shared spaces they should slow down. This is reflected in the guidance we publish to cyclists using shared spaces in our Aberdeen Cycle Map.

https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/cycle_map_info_2015.pdf

What is the law around cyclists on pavements. Is it legal or not?

In most cases it is illegal for cyclists to cycle on pavements/footways that form part of a road in Scotland, under the Roads (Scotland) Act 1984. In Aberdeen, this is not decriminalised so Police Scotland are responsible for enforcement, not the Council.

The only exceptions to this are;

- a) where the footway/ pavement has been legally re-determined to provide an unsegregated shared or segregated pedestrian/cycle facility and is clearly signed as such with regular repeater signs along its length;
- b) where a cyclist is crossing a footway/ pavement to reach a cycle path, private access etc.
- c) where the footway/ pavement has been designed as a Core Path. This arises from Land Reform (Scotland) Act section 7(1), whereby any section 6 exemption 'does not prevent or restrict the exercise of access rights over any land which is a Core Path'. Therefore the Roads (Scotland) Act determinations on types of users (on footways etc) no longer apply as a restriction once a path becomes a Core Path. This position has also been formally confirmed in the Cycling By Design guidance produced by the Scottish Government. See Pages 195 and 196 of the following link

https://www.transport.gov.scot/media/14173/cycling_by_design_2010_rev_1_june_2011_.pdf

If cyclists are allowed to use the upper level of the promenade, where are the signs to show this?

There are no signs as the upper level of the promenade has not had to go through the process of being legally re-determined as a shared use path. For the section which is designated as a Core Path, the designation alone is sufficient for it to be legal for cyclists. The other section, to the south of the Beach Ballroom roundabout is classed as pavement and it is therefore illegal for cyclists to use this section of pavement.

Signs were never deemed necessary as again we would expect users to be considerate of each other when using the facilities.

Who is responsible for monitoring the speed that cyclists travel on the upper level of the promenade?

If people are deemed to be cycling without due care and attention for other users, then this would be a police matter. Where someone is behaving in a way that involves a criminal degree of recklessness which cause injury to other persons, or create a risk of such injury, they could be charged with Culpable and Reckless Conduct, again this would be a police matter.

The most important point is that whichever mode of travel is being used, on foot, by cycle or on horseback, it is incumbent on everyone to show courtesy and consideration towards others, those using these areas must do so responsibly and exercise particular caution in areas where they share space with other users. This is also laid out within the Land Reform (Scotland) Act Section 2.