

PLYMOUTH CITY COUNCIL

Subject:	Revocation and Replacement of Bylaw to Provide the Possibility of Allowing Cycling in Parks and Recreation Grounds Where Stated
Committee:	Cabinet
Date:	23 August 2011
Cabinet Member:	Councillor Wiggins and Councillor Michael Leaves
CMT Member:	Director for Development and Regeneration
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Ref:	Park Bylaws
Key Decision:	No
Part:	I

Executive Summary:

The recently adopted Third Local Transport Plan has a strong focus on enabling people to take up more physically active travel as part of a healthier lifestyle. Opening up cycling routes through parks, particularly targeted at less confident cyclists and children, is also echoed by Plymouth's Green Infrastructure Delivery Plan (GI Plan).

This report seeks approval to revoke the two existing bylaws and replace them with versions which are consistent with respect to cycling through parks and recreation grounds (parks). At present there are two different sets of bylaws which apply to most of Plymouth's parks, (see Annex 1, schedules 1 & 2). The first bylaw (schedule 1) permits cycling only if the Council installs "conspicuous notices" to that effect. The second bylaw (schedule 2) will only permit cycling if it is part of an agreement between the Council and an individual or a club. This second bylaw currently prevents the Council from designating cycle routes through certain parks, which limits the Council's ability to unlock the potential to improve accessibility across the city by way of cycling, a low cost, sustainable mode of travel. There does not appear to be any rationale to explain the different wording applying to the two schedules with regard to cycling.

It is proposed that both bylaws are amended to open up the possibility of allowing cycling in certain parks whilst reducing or removing the need for excessive signage; and increase powers that are available to tackle inconsiderate cycling. The decision to revoke and replace the existing bylaws will not in itself affect the legality of cycling in the parks, but it will make it possible for the Council to permit cycling in certain parks if deemed appropriate after risk assessment and consultation with relevant Council departments, Ward Members and park user groups. In such locations, signs or notices would be installed or amended to indicate that cycling is permitted.

Corporate Plan 2011 – 2014:

The Third Local Transport Plan (LTP3) is one of the Council's key strategies for delivering its Corporate Aims, as identified in the Corporate Plan. In particular LTP3 is a companion strategy to both the Local Development Framework and Local Economic Strategy. It will help to build

Plymouth's future by articulating the transport strategy which directly supports the Sustainable Community Strategy.

The five LTP3 objectives are set out in Annex 2. The option to allow cycling through parks, where appropriate, works towards each of those objectives as well as the specific LTP3 measure: "development of green spaces for walking and cycling for transport and leisure". It would also help achieve one of the ten stated benefits of Plymouth's GI plan which is "to have residents and workers regularly utilising green spaces and sustainable transport routes for walking [and] cycling".

The relevant elements of the shared corporate vision and shared priorities are set out below:

Healthy place to live and work; Reduce Inequalities

The health benefits of more people cycling more often are clearly documented. By providing a healthy and relatively low cost method of transport there is a real opportunity to close the life expectancy gap which exists between the wealthiest and poorest segments of Plymouth's population.

A Wealthy City Which Shares and Creates Prosperity; Deliver Growth

The value for money demonstrated in cycling and walking schemes of around 20:1, demonstrates how they may assist the City to a wealthier future; this level of value for money compares well against all other transport schemes. Increased exercise through regular cycling has been shown to reduce absenteeism and improve workplace productivity.

A wise city that is a place for learning, achievement and leisure; Raise Aspirations

As the University and College population has expanded, the proportion of students that have to travel further to their place of study has increased. Through the introduction of viable cycling and walking routes between accommodation and campus, this group are more likely to perceive a higher quality of life from their experience of studying in Plymouth, contributing towards greater graduate retention in the City. Cycling to school has also been shown to improve children's concentration, potentially raising attainment levels.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

There are no implications for the Medium Term Financial Plan and no resource implications arising directly from this paper. Consultation, scheme design and risk assessments undertaken for individual cycling schemes will be included within the capital budget allocated for each scheme as they arise. External funding is likely to be available to support such schemes.

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

All schemes would be subject to assessment and consultation prior to permission to cycle in an area being granted. The decision to rationalise the bylaw has no other direct implications. However, the decision will open up the possibility of achieving the benefits described below.

Many of the parks, covered by the existing bylaw, are used already by members of the public who cycle through them. Through the formalisation of the routes through certain parks there is the opportunity to reduce friction and increase natural surveillance, preventing anti-social behaviour, by the increased number of people passing through the space. Furthermore, as these routes are off highway, they are likely to be significantly safer than any of the alternative routes, so improving safety for children and new cyclists.

This decision will make it possible for the council to provide new cycling opportunities giving healthy and affordable transport for the less wealthy. This would have a positive impact on equality of opportunity.

The decision to amend these bylaws is included in the Local Transport Plan delivery programme which has been subject to an Equalities Impact Assessment (EIA):

http://www.Plymouth.gov.uk/draft_ltp_eia.pdf

The EIA concluded that there were no adverse impacts and no actions to monitor.

Recommendations & Reasons for recommended action:

It is recommended to Full Council that the bylaws which apply to the parks in Schedules 1 and 2 in Annex 1 be revoked and replaced with an amended version whose wording opens up the possibility of permitting safe and considerate cycling where it is deemed appropriate following consultation with the relevant Council departments, Ward members and user groups.

The wording for both bylaws will be slightly amended to read as follows:

"Providing that the council indicates that cycling is permitted where indicated in the park by means of a notice, surface markings, direction sign for cycles or "cycling permitted" sign, then this bylaw shall not be deemed to prohibit the riding of cycles in a manner which is judged not to endanger or cause a nuisance to other park users."

This wording improves the clarity of the bylaws; reduces or removes the need for excessive signs and markings in the park; and increases the power of park wardens, police constables and police constable support officers to stop dangerous or inconsiderate cycling.

The making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or private Bills is a function of Full Council (reference 4.2 (l) of Plymouth City Council's Constitution) following a recommendation from Cabinet.

Once approved by the City Council a bylaw will be prepared, sealed and advertised. A copy of the bylaw is then held on deposit at the Council offices for at least 28 days for members of the public to view and make any formal objections. Following the deposit period and the consideration of any objections the bylaw is submitted to the Secretary of State for Communities and Local Government for confirmation. The Secretary of State fixes the date on which the bylaw comes into effect. If a change to a bylaw is controversial the Secretary of State may order a public inquiry be held but this is a rare occurrence.

Making the two bylaws consistent in this regard will make it possible for the Council to deliver low cost / high benefit cycling schemes routed through the parks in Schedule 2 if deemed appropriate after consultation and risk assessment. Signs, notices or markings would then be installed or amended to indicate that cycling is permitted.

Alternative options considered and reasons for recommended action:

The alternative of leaving the bylaw unchanged was considered. This would require signs telling cyclists to dismount irrespective of whether there were any reasonable grounds to require them to do so. This would discourage organisations who fund improvements in cycling, walking and access for the mobility impaired, such as Sustrans, from investing in Plymouth. This would significantly reduce the amount of external funding being invested in the City for such schemes.

Background papers:

Third Local Transport Plan 2011-26
Green Infrastructure Delivery Plan
Bylaws Relating to Parks and Recreation Grounds

Sign off:

Fin	Dev F11 120 019	Leg	1217 7	HR		Corp Prop	CJT/ 075/ 2806 11	IT		Strat Proc	
Originating SMT Member Clive Perkin. Assistant Director of Development and Regeneration											

Annex I: The Schedules of parks and recreation grounds associated with each bylaw

Listed below are the parks and recreation grounds associated with each set of bylaws. The majority of the City's high profile parks are already in Schedule 1.

Schedule 1: cycling is permitted only if the council displays signs indicating that this is the case.

The Hoe and land adjacent on the southern side of Hoe Road
The Governor's Meadow and land adjacent to the Royal Citadel
The West Hoe Recreation Ground
Devonport Park
Central Park
Freedom Park
Beaumont Park
Tothill Recreation Ground
Laira Recreation Ground
Ham Estate

Schedule 2: cycling by the general public cannot be permitted

Thorn Park
Mutley Park
Hartley Recreation Ground
Drake's Place Recreation Ground
Victoria Park
Eastern King's Recreation Ground
Western King's Recreation Ground
Alexandra Park
Rocky Hill Recreation Ground
North Down Recreation Ground
Cumberland Gardens
Mount Wise
Mount Pleasant
Weston Mill Recreation Ground
St Levan Road Recreation Ground
St Budeaux Green
Swilly Recreation Ground [now known as North Prospect Recreation Ground]
The Brickfields
Manadon Woods
Cookworthy Road Recreation Ground

Annex 2: Plymouth's Local Transport objectives as set out in the Third Local Transport Plan

1. Link communities together

- Improve access to community amenities, leisure opportunities and our high quality natural environment by increasing the availability of attractive walking, cycling and bus routes and enabling the right mix of land use
- Enable easy access to growth and regeneration areas by walking, cycling and public transport
- Improve the design of residential streets to reduce the fear of crime and antisocial behaviour as well as the dominance of the car
- Reduce severance of communities by transport networks and the impact of poor air quality and noise on communities.

2. High quality transport standards for a vibrant city

- Make best use of our existing transport networks; manage congestion and improve journey reliability
- Maintain, and where necessary improve the condition and increase the flexibility of our transport network such that it is more adaptable to climate change, severe weather events and incidents
- Work in partnership with public transport operators to improve service levels, quality provision and reliability
- Improve the quality of public car parks such that they meet the higher standards set by private parking companies
- Set clear priorities for routes to and from main areas / facilities to balance competing demands for highway space across the network.

3. Make walking, cycling and public transport the desirable choice

- Provide more opportunities and encourage increased uptake of travel by active modes, walking and cycling, to promote healthy lifestyles
- Improve the quality, extent, availability of information and physical access of our bus, rail, walking and cycling networks so that they are easy to use
- Increase integration of transport modes to improve the end to end journey experience so providing an attractive range of travel choices for more people

4. Maximise the transport contribution to Plymouth's carbon reduction target (60% reduction by 2020)

- Increase awareness of ways to reduce personal carbon footprint by walking, cycling and taking the bus
- Reduce energy consumption from non-renewable sources used by our infrastructure and operations
- When building or renewing infrastructure or equipment consider the lifecycle carbon footprint; reuse and recycle where possible

- Encourage use of more efficient and alternative fuelled vehicles by providing infrastructure and information.

5. Use transport to drive the local economy

- Support the delivery of the Local Development Framework and Local Economic Strategy by connecting growth and regeneration areas by all modes with communities and transport networks
- Work within the development management process to deliver small and large scale improvements in transport networks to enable connectivity
- Develop improved transport networks to open up long term opportunities for growth
- Encourage sustainable tourism
- Improve connections with transport networks which connect Plymouth to the rest of the country
- Improve access to wider road, rail, air and sea networks
- Improve gateways to these networks, prioritising Plymouth railway station and Plymouth's bus and coach station.