

FOR PUBLICATION

CYCLE ROUTE IN QUEEN'S PARK (HW960L)

MEETING: CABINET MEMBER FOR HEALTH AND WELLBEING

DATE: 11 MARCH 2019

REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW
MANAGER

WARD: ALL

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Background papers: Council Parks and Open Spaces Byelaws

1.0 **PURPOSE OF REPORT**

1.1 To seek approval for creation of a new permissive cycle route through Queens Park connecting Queen's Park Sports Centre via Boythorpe Avenue to the existing strategic cycle network.

2.0 **BACKGROUND**

2.1 The desirability of a cycle route through Queen's Park to the strategic cycle network, specifically to the Hipper Valley trail, arose as a result of representations by the Chesterfield Cycle Campaign, supported by Transition Chesterfield, on the application for planning permission the new Queen's Park Sports Centre in 2014.

2.2 The route was devised in discussions with the Cycle Campaign and Transition Chesterfield.

3.0 **CYCLE ROUTE**

3.1 The proposed route is shown on the attached plan. The route, which required only minor works, has already been provided in the park, subject to formal approval by the Cabinet Member.

- 3.2 Consultations were carried out with the Friends of Queen's Park on the Council's behalf by Chesterfield Cycle Campaign. The Friends had no objection to the route.
- 3.3 The Highway Authority is supportive of the route, though have some comments about improved linkage to the town centre. The councils are in correspondence concerning this and necessary documentation to formally establish the permissive route if agreed by Cabinet member.
- 3.4 The Cycle Campaign initially had some concerns about safety issues, now addressed, and others have been raised by a member of the public. It is considered that any safety issues can be addressed by appropriate signage/markings along the route.

4.0 LEGAL BASIS FOR USE OF ROUTE

- 4.1 Cycling is not normally permitted in the park, though this is not strictly enforced. The Council's Pleasure Grounds and Open Spaces Byelaws state "*A person shall not except in the exercise of any lawful right or privilege ride any bike, tricycle or other similar machine in any park of the ground.*"
- 4.2 It was investigated whether the bylaws could be amended to allow for cycling along this route. However, the Park Byelaws relate to all the parks covered by the bylaws, not just Queen's Park. The Council had been advised by the bylaws section of the Ministry of Housing, Communities and Local Government that it would generally expect councils to undertake a review of their whole set of park bylaws to update them rather than making a small change such as this. Byelaws must be agreed by the MHCLG before they can be introduced, so a minor change affecting only Queen's Park is unlikely to be agreed by the ministry.
- 4.3 As it is disproportionate, and not practicable at the current time, to carry out a review of all the Parks and Open Spaces Byelaws purely to allow for this cycle route, it is proposed that the Council dedicate the route to permit use by cyclists.
- 4.4 This permission would be on the basis that it would be in effect during the hours that Queens Park is open to the public, but could be suspended by the Council, for example when cricket matches are taking place. This would mean that during these permitted times use by cyclists would be lawful. A path dedication agreement would be entered into with the County Council on this basis. The path would remain permissary and would not become a formal public right of way, and would sit alongside the existing park bylaws.

5.0 **LEGAL IMPLICATIONS**

- 5.1 A dedication agreement allows a land owner to permit the public to use a route subject to certain limitations, for example the times the route can be used.
- 5.2 It does not create a public right of way, but would provide a ‘lawful right and privilege’ to cycle along the route in the park at permitted times. It would allow cycling along the route notwithstanding the provisions of the byelaws.
- 5.3 There is no formal requirement to consult before entering into a dedication agreement, and no special procedural requirements. The Friends of Queen’s Park are already aware of the proposal.
- 5.4 If further steps are needed to help ensure safety, these can be put in place relatively easily and quickly.

6.0 **RISK MANAGEMENT**

Description of Risk	Likelihood	Impact	Mitigating Action	Resultant Likelihood	Resultant Impact
Route not created, preventing achievement of intended linkage, causing complaint and some reputational harm	H	M	The proposed dedication agreement	L	L
Route used without legal status, in breach of byelaws	M	M	Dedication agreement setting out limits of permitted use of the route	L	L
Conflict with other park users leading to complaint	M	M	Appropriate signage and monitoring of use, further signage as necessary	L	L

7.0 **RECOMMENDATION**

- 7.1 That the Local Government and Regulatory Law Manager be authorised to agree with the highway authority, and enter into on behalf of the Council, a dedication agreement to permit cycling along the specified cycle route (or if appropriate a route similar to this) through Queen's Park, subject to necessary restrictions.
- 7.2 That the use of the route be monitored and any necessary works and or signage be undertaken to overcome any justified safety issues that arise.

8.0 **REASONS FOR RECOMMENDATION**

- 8.1 To bring into effect a cycle route between Queen's Park Sports Centre and the strategic cycle network.

Further information on this matter can be obtained from Gerard Rogers (Tel: 01246 345310).