

Teignbridge District Council
Committee name: Full Council
Meeting date: 22nd February 2022
Part i

Report Title
Cycling & byelaw on Newton Abbot's parks (pleasure grounds)

Purpose of Report

Replacement of the existing Byelaw 5(b) in respect of Pleasure Grounds to allow cycling on dedicated routes via certain Newton Abbot parks.

Recommendation(s)

The Council approval for the following:

- (1) To approve undertaking the process of replacing the Pleasure Grounds Byelaw 5(b) dated 1 June 1951 (Appendix A), using the wording in Appendix D. This will follow the 2016 Byelaw Regulations (including public consultation), with the purpose of enabling cycling on dedicated, sign-posted routes of suitable width, such as the two described in the report below (and displayed in Appendix B & Appendix C).
- (2) Delegate the authority to the Head of Legal Services (or a person appointed by him), the Head of Place & Commercial Services and the Head of Operational Services to ensure the Byelaw process is properly conducted.; and

Financial Implications

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See section 3.1. Existing resources will be used to manage the change.

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Legal Implications

Title of person giving advice Marie Downey

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See section 3.2.

Risk Assessment

Report author to comment on the Risk Assessment

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Appropriate consideration of risk would form part of any new or modified route by Devon County Council (DCC) or Teignbridge District Council. Dedicated routes would require proper signage and

also widening/other provisions where necessary.

Also see Equality Impact Assessment summary (paragraph 3.3.2).

Environmental/ Climate Change Implications

Report Author to comment on the Environmental/Climate Change Implications Name/Title of person giving advice William Elliot

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All significant environmental impacts associated with this committee report have been covered in Section 3.4.

Report Author

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Executive Member

Title/Name Cllr Gary Taylor

Appendices/Background Papers

Appendix A – 1st June 1951 byelaw, including cycling in clause 5.

Appendix B – DCC plan of Ogwell route including Baker's Park stretch (shown within purple rectangle).

Appendix C – Future High Street/Active Travel Fund scheme: improved links to town centre, including eastern stretch of Courtenay Park (shown within red circle).

Appendix D – drafted wording for replacement of 5(b) byelaw

1. Introduction/Background

1.1 Teignbridge District Council (the Council) works closely with Devon County Council (DCC) on active and sustainable travel projects. This has seen some important routes delivered in recent years, including the Stover Trail, Wray Valley Trail, and Newton Abbot East-West Route.

1.2 In 2019, the Council declared a Climate Change Emergency, and also became a key stakeholder in the Devon Climate Emergency work. The delivery of active and sustainable travel is recognised as one of the important factors of Climate Emergency, with transport being the largest sector of greenhouse gas emissions.

1.3 Supporting of high-quality active journeys also aligns with core Council strategic objectives:

- Moving up a Gear
- Out and About and Active
- Action on Climate
- Great Places to Live & Work

1.4 During the partnership work between DCC and the Council, it has become evident that there is a need to review the byelaw dating from 1951 (see Appendix 1), which prevents all cycling in Newton Abbot's parks (Forde Park, Courtenay Park, Osborne Park and Powderham Park), and to seek to replace this byelaw 5(b) to allow cycling on dedicated routes only. There are already two dedicated schemes secured: one in Baker's Park and one in Courtenay Park, as described in Section 2 below. Any further, future dedicated route delivery would receive careful review and consideration, as per standard good-practice, and only suitable routes that are useful, safe and locally appropriate would come forward as dedicated routes for delivery. The replacement byelaw

Committee: Full Council

Date of meeting: 22nd February 2022

wording enables this to happen without the need for further, future byelaw replacement or related staff resource/capacity.

1.5 There is some bicycle riding already happening in Newton Abbot parks, despite the byelaw (which is not actively promoted or enforced), and providing properly sign-posted routes that are clear for users, and are sufficiently wide, will support clarity for all park users on dedicated routes (where they are logical and have been well considered). Routes would only be sign-posted after any necessary widening and any other necessary provisions have been set in place. There are two schemes that have already secured funding via wider schemes and these are described below.

1.6 This will also align with modern principles to support safe and green links as part of active journeys and to support wider uptake of active journeys for the health benefits both of those cycling and walking as well as for the quality of the local environment for the communities living within the local environment. The byelaw doesn't cover Sandringham Park, another key park in Newton Abbot, where there is an active travel route that is well used and supports local day-time trips for various onward links.

2. Report Detail

2.1 Dedicated Routes

2.1.1 The replacement byelaw wording for Clause 5b allows for only dedicated routes to be delivered in Newton Abbot parks (the byelaw covers Baker's Park, Courtenay Park, Forde Park and Powderham Park). The replacement of the byelaw Clause 5b would allow for the two dedicated routes that are described below, as well as any other routes that are properly considered and dedicated in future. The importance of allowing for dedicated routes only is that there will be proper signage required and other relevant needs such as appropriate width. There will be proper and careful consideration of any proposed route, as is standard practice, to assess its usefulness, safety and whether it is locally appropriate.

2.2 Baker's Park

2.2.1 Devon County Council (DCC) has been working in partnership with the Council on the delivery of a safe active route for cyclists and pedestrians between Newton Abbot town centre and the Ogwell and Wolborough locality, which are currently somewhat dissected from the town centre in terms of safe, amenable and relatively direct cycling access. The purpose of this route is to enable a safe active journey away from the busy and constrained Totnes Road. A route alignment plan from the DCC planning permission is in Appendix 2, and includes this stretch via Baker's Park. DCC secured planning permission for this route in January 2019, in discussion with the Council and with Ogwell Parish Council, and the route is fully funded as far as Beverley Way. DCC is seeking to extend the link further into Ogwell and Wolborough in future phases. There would be signage installed along the Baker's Park stretch, to encourage considerate shared-use by both cyclists and walkers including dog walkers, and the route is already approximately 3m throughout.

2.2.2 The dedicated scheme that has secured funding for Baker's Park is shown displayed Appendix B. There is already a conflict with the Byelaw in that limited vehicular access is permitted on this route, between Steppes Meadow and the private property that adjoins Baker's Park in its southern reach. This is for very few vehicles and so trip rates are expected to be low and speeds are also expected to be low.

2.3 Courtenay Park

2.3.1 The Heart of Teignbridge Local Cycling & Walking Infrastructure Plan (LCWIP), produced during 2020/21 (currently being updated following public consultation), identified and shared a key

Committee: Full Council

Date of meeting: 22nd February 2022

desire line for cycling access across the eastern edge of Courtenay Park. The key principles of the LCWIP were all supported by the majority of consultation respondents. There are funds available via the Future High Street project to realise this delivery as part of enhancing the active travel links to the town centre of Newton Abbot. This includes modification of the pedestrian crossing outside the railway station into a dual-purpose crossing with space for pedestrians and space for cyclists. This overcomes the current issue of the cycle network provision terminating suddenly at the rail station with no logical or safe onward route towards town.

2.3.2 This dedicated scheme via Courtenay Park would provide a valuable link (see Appendix C). This can be delivered via Future High Streets funding (if the replacement byelaw is approved by Full Council and also supported via public consultation). However, there are potentially other desire lines via Courtenay Park that can be explored further and carefully considered if/when suitable future funding schemes arise.

2.4 Consultation Process

2.4.1 Any formal replacement of a Byelaw legally requires that consultation is carried out. We would seek to incorporate this with another suitable upcoming public consultation if feasible (most likely the upcoming Queen Street Future High Street Fund consultation in spring 2022), for efficiencies of staff time and effort. This will be advertised via regular channels of the Council, and via Devon County Council. There will be a clear question posed for a clear response on whether respondents support the replacement byelaw. There will also be a space provided for respondents to provide an additional qualitative response on why they do or do not support this.

2.4.2 All of the consultation responses will be properly taken into account and if there is nothing that reasonably should prevent the proposed byelaw replacement then they will be moved forward and the replacement formally undertaken (please see the drafted replacement wording in Appendix 4 of this report).

Any feedback of this nature would be used to reinforce and/or add to the evidence held for the Local Cycling & Walking Infrastructure Plan (LCWIP) for the Heart of Teignbridge, which includes the proposals for local enhancements to the cycling and walking networks, for delivery as and when suitable funding opportunities are realised (specific delivery of any of these proposals would of course require any relevant approval processes).

3. Implications, Risk Management and Climate Change Impact

3.1 Financial

3.1.1 There would be some staff capacity needed for the public consultation, and to submit and formally process the replacement of the byelaw 5(b), subject to consultation response. It should be feasible to incorporate the consultation with another upcoming public consultation (potentially Queen Street Future High Streets in spring 2022), for time/staff efficiencies.

3.1.2 Devon County Council will be delivering the Ogwell/Baker's Park route and funding is already secured for this via s106 and Local Transport Fund grant (DCC). The majority of the stretch via Baker's Park is already hard-surfaced and 3m wide and will continue to be maintained by the Council whereas the newly instated part of the stretch via Baker's Park, alongside the tennis courts, will be maintained by Devon County Council via a Deed of Dedication.

3.1.3 The easterly link via Courtenay Park can be delivered via the Future High Street Fund award, which includes the key objective of improving town links for active travel. This stretch is achieved by widening an existing hard-surfaced path and will continue to be maintained by the Council.

Committee: Full Council

Date of meeting: 22nd February 2022

3.2 Legal

3.2.1 The Department for Levelling up Housing and Communities (formerly the MHCLG), has responsibility for byelaws covering Pleasure Grounds and Open Spaces. When seeking to replace a byelaw the Council must prepare a draft of the proposed byelaw and undertake a regulatory assessment to ensure that the byelaw is proportionate. The Council will then need to seek approval by the Secretary of State.

3.2.2 Before replacing a byelaw, a local authority should consider whether the byelaw needs to be retained at all, as it may now no longer be required. For example, the issue the byelaw addressed may now be addressed through national legislation.

3.2.3 Subject to approval of this report to carry out the steps in 3.2.1 and should approval from the Secretary of State be given, consultation will be carried out with stakeholder groups and the public on the proposed replacement of the Byelaw 5(b). The legal procedure requires that a notice be published in a local newspaper and on the council's website and a copy of the proposed byelaw be made available at the Council offices for inspection by the public, allowing a month for comments to be made. Following consideration of the consultation responses, subject to approval by Full Council it is recommended that the Council adopt the replacement byelaw and authorise the Head of Legal Services to carry out of the necessary procedure.

The suggested replacement byelaw is attached to this report at *Appendix D*.

3.3 Risks

3.3.1 Allowing cycling on dedicated routes could lead to some level of conflict between different users, ie walkers/dog walkers but this is likely to be a low level of conflict, which is typical for any shared route of good specification and is generally caused by a minority of both walkers and cyclists who show poor social behaviour. Signage would be installed on dedicated routes to support clarity and to encourage respectful use by all users. Suitable widths, generally of minimum 3m, will also be important. Furthermore, dedicated off-road routes that provide logical and well-considered connectivity can reduce the risk posed to those on-bicycle whose alternative cycling option is to remain on relatively busy and challenging roads.

3.3.2 An Equality Impact Assessment form has been completed, and a summary of this is below:

Summary of significant negative impacts and how they can be mitigated or justified:
Not aware of any significant negative impacts and will seek further public input via dedicated consultation process to ensure this (subject to these Full Council recommendations being approved). Ensure relevant local stakeholders, such as Newton Abbot Community Transport, are advised directly of the consultation.
Summary of positive impacts / opportunities to promote the Public Sector Equality Duty:
Increased opportunity for active travel uptake within Newton Abbot, offering related wellbeing and local environmental outcomes via improved safety for those on-bicycle; reducing a key barrier for many except the most confident riders on-bicycle.

3.4 Environmental/Climate Change Impact

3.4.1 A cohesive active travel network can support a significant improvement in health and wellbeing for the individuals taking part in active travel and for the wider local community via environmental benefits. There is a certain amount of embedded carbon in new construction

or widening hard-surfacing to allow cycling and pedestrian-friendly routes, but there would be review of surfacing options seeking to limit this alongside consideration of longevity and smoothness.

4. Alternative Options

- 4.1 Retain the byelaw 5(b) and there will be no permitted cycling at all in these Newton Abbot parks. This would mean that no desire lines are made available and cycling would remain on-road (or illegally via the parks). This poses some safety risk and/or perceived safety risk for less confident cyclists and forms a disincentive for families and less confident cyclists, presenting a barrier to cycling uptake.
- 4.2 Modify the byelaw 5(b) to enable cycling on the two already secured routes only. However, this would risk the need to repeat this process again, possibly multiple times, to enable future delivery, which would mean notable additional time and input from officers. Under The recommendations of this report, any future route delivery would still require careful review and consideration, as per standard good-practice, to ensure its usefulness, safety, and acceptability in a local sense.
- 4.3 Revoke the whole suite of Byelaws for Newton Abbot's parks (shown in Appendix A) and replace with new Model Byelaws. The Byelaws for Newton Abbot's parks (pleasure grounds) are in general outdated, having been drafted in 1951. At some point, these will require a wholescale review and to be brought up to date (potentially alongside a review of other suites of existing Byelaws). However, this is likely to be a notable demand on staff time for engagement with a wide range of stakeholders to establish what the preferred modern proposals are and to then set-up a full public consultation to attain feedback on those proposals, which will include a fairly wide range of matters. The reason for moving ahead to propose this replacement of 5(b) is to enable dedicated and well-considered schemes to be delivered, including the presently secured schemes (subject to the byelaw public consultation feedback). If the presently secured schemes cannot move forward shortly this will very likely to lead to non-delivery of these active travel route schemes, which form part of wider projects, due to delivery timeframe constraints.

5 Conclusion

- 5.1 There are notable benefits available for local communities via supporting safe, cohesive and effective active travel in Newton Abbot. The replacement of byelaw 5(b) for cycling on dedicated, secured routes within Baker's Park and Courtenay Park requires a public consultation period and proper consideration of responses to ensure suitability for delivery.
- 5.2 This proposal correlates with the current climate emergency, Teignbridge's Council Strategy, and allows for a safer and more cohesive active travel network including via Newton Abbot Future High Streets scheme and Devon County Council priority active-travel delivery. Active travel benefits are not only secured for the person's taking part but also for the wider communities living locally via benefits for the local environment.