

**CABINET – 19TH NOVEMBER 2002****LEICESTERSHIRE COUNTY COUNCIL**
COUNTRY PARKS BYELAWS**REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****PART A****Purpose of Report**

1. To seek approval to proceed with the adoption of byelaws for each of the Country Parks and other informal rural recreation areas in the County managed by the County Council.

Recommendations

2. It is recommended that:
 - (a) all the Recreational Sites listed in Appendix B be designated Country Parks;
 - (b) Cabinet request the Development Control and Regulatory Board to authorise the County Solicitor:
 - (i) to make and seal byelaws as appropriate in accordance with Appendix C for each of the Country Parks listed in Appendix B; and
 - (ii) to advertise the making of and to seek confirmation by the Secretary of State of these Byelaws.

Reason for Recommendations

3. To provide a more effective means of dealing with day-to-day management issues and problems experienced on Country Parks and other recreational sites.

Timetable for Decisions including Scrutiny

4. There is no set timetable. Adoption of byelaws will assist the operational management of these sites.

Policy Framework and Previous Decisions

5. An application will be made to the Department of Environment Food and Rural Affairs (DEFRA) for confirmation of the proposed Byelaws for Leicestershire. These will cover County Council Country Parks and informal recreation areas and subsequent adoption of these Byelaws at locations managed by the County Council as appropriate.

Resources Implications

6. Prior to adoption, the Byelaws must be advertised in local newspapers. Following their confirmation they will be displayed on site. Standard fines will be introduced for contravention of the Byelaws. Any additional costs will be met from the appropriate Departmental budgets.
7. The Director of Resources has been consulted on the Resource Implications section of this report.

Consultation

8. The County Solicitor has been consulted on this report and the Byelaws proposed.

Circulation under Sensitive Issues Procedure

A copy of this report for consideration by Cabinet, amended as necessary will be circulated to all members under cover of the Members Information Service.

Officer to Contact

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PART B

Background and Proposals

9. A Byelaw is a local law, which is made by a local authority. If there is already legislation covering a matter causing concern then a Byelaw is not normally considered suitable. Since Byelaws create criminal offences they must be confirmed by the Secretary of State before they can come into effect. These Byelaws will be made under Section 41 of the Countryside Act 1968, following procedure laid down in the Local Government Act 1972. The power to make and revoke Byelaws is vested in the County Council's Development Control and Regulatory Board.
10. The only Byelaws currently existing are for Beacon Hill Country Park near Woodhouse Eaves (adopted in 1947), and the Brampton Valley Way, Market Harborough (adopted in 1990). The Beacon Hill Byelaws will be revoked and new Byelaws made. No changes will be made to the Brampton Valley Way Byelaws.
11. The number of visitors to countryside recreation sites provided by the County Council continues to grow and this inevitably brings problems of conflict. The confirmation of Byelaws will help the Ranger Services in conjunction with the Police, to address these problems more effectively.
12. The Byelaws proposed for the countryside recreation facilities provided by the County Council are generally based on the model Byelaws drawn up by DEFRA and considered appropriate to issues occurring on Country Parks and other countryside areas. Confirmation of these standard Byelaws is usually straight forward, but it is difficult at this stage to give a precise timetable.
13. DEFRA has been consulted and their comments have been incorporated into the Byelaws attached as Appendix A.

Equal Opportunities Implications

14. None that can be quantified at this time.

List of Appendices

- A. Draft Byelaws
- B. Schedule of Country Parks
- C. Schedule of Byelaws for each Country Park

COUNTRY PARKS

Byelaws made by the Leicestershire County Council under Section 41 of the Countryside Act 1968, with respect to those areas of land listed in Appendix B and any new areas to which the public have access.

Interpretation

1. In these byelaws:
“the Council” means Leicestershire County Council
“the land” means those Country Parks to which the public have access.

Vehicles

2. (1) No person shall, without reasonable excuse, ride or drive a motor cycle, motor vehicle or any other mechanically propelled vehicle (other than a cycle) on the land, or bring or cause to be brought on to the land a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except on any part of the land where there is a right of way for that class of vehicle.

(2) If the Council has set apart a space on the land for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the land.

(3) This byelaw shall not extend to invalid carriages.

(4) In this byelaw:
“invalid carriage” means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, with fewer than four wheels and the weight of which unladen does not exceed 410 kilograms;

“motor vehicle” means a mechanically propelled vehicle, not being an invalid carriage, intended or adapted for use on roads;

“trailer” means a vehicle drawn by a motor vehicle, and includes a caravan.

Cycling

3. (1) **No person shall, without reasonable excuse, ride a cycle**, except in any part of the land where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous positions on the land.

In this byelaw:

“cycle” means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle.

Climbing

4. No person shall, without reasonable excuse, climb any wall or fence on or enclosing the land, or any tree, or any barrier, railing, post or other structure.

Removal of Structures

5. No person shall, without reasonable excuse, remove from or displace on the land any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the land.

Camping

6. No person shall on the land, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping, except on any area which may be set apart and indicated by notice as a place where camping is permitted.

Fires

7. (1) No person shall on the land intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.

(2) This byelaw shall not prevent the lighting or use of a properly constructed camping stove or cooker or barbecue in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

Trading

8. No person shall on the land, without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.

Protection of Wildlife

9. (1) No person shall on the land intentionally kill, injure, take or disturb any animal or fish, or engage in hunting, shooting or fishing, or the setting of traps or nets, or the laying of snares.

(2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

Grazing

10. No person shall, without the consent of the Council, turn out or permit any animal to graze on the land.

Gates

11. Where the Council indicates by a notice conspicuously exhibited on or alongside any gate on the land that leaving that gate open is prohibited, no person having opened that gate, or caused it to be opened, shall leave it open.

Watercourses

12. No person shall knowingly cause or permit the flow of any drain or watercourse on the land to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus on the land. Provided that nothing done by any person acting under statutory powers shall constitute an offence under this Byelaw.

Pollution of Waterways

13. No person shall intentionally, carelessly or negligently foul or pollute any waterway comprised in the land.

Bathing

14. No person shall, without reasonable excuse, bathe or swim in any waterway comprised in the land, except in an area where a notice exhibited by the Council permits bathing and swimming.

Boats

15. No person shall, without the consent of the Council, place on any lake or other waterway comprised in the land, any boat other than a model yacht or toy boat.

Horses (Dangerous Riding)

16. No person shall on the land intentionally or negligently ride a horse to the danger of any other person using the land.

Horses (Only in Designated Areas)

17. Where any part of the land has, by notices placed in conspicuous positions on the land, been set apart by the Council as an area where horse-riding is permitted, no person shall, without the consent of the Council, ride a horse on any other part of the land.

Dogs Prohibited from the Ground(s)

18. (1) No person (other than a registered blind person) in charge of a dog shall, without reasonable excuse, permit the dog to enter or remain in any of the dog prohibited area(s).

(2) An officer of the Council or any constable may require a person in charge of a dog which has entered any of the dog prohibited areas to remove the dog therefrom.

(3) In this Byelaw the dog prohibited area shall mean that part of the land which has by notices placed in conspicuous positions on the land been set apart by the Council as an area for children's play area where dogs are not permitted.

Dogs on Leads

19. (1) No person in charge of a dog shall, without reasonable excuse, permit the dog to enter or remain in any of the dogs on leads area(s) unless the dog is held on a lead and is restrained from behaviour giving reasonable grounds for annoyance.

(2) In this Byelaw the dogs on leads area shall mean that part of the land which has by notices placed in conspicuous positions on the land, been designated/set apart by the Council as an area where dogs must be on a lead.

Dogs on Leads by Direction

20. (1) Every person in charge of a dog shall, as far as reasonably practicable comply with a direction given by any officer of the Council or constable to keep the dog on a lead and restrained from behaviour likely to cause annoyance or disturbance in each of the grounds.

(2) A direction under paragraph (1) above may only be given if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any person in any of the grounds or the worrying or disturbance of any animal or bird.

Metal Detectors

21. No person shall use any device designed or adapted for detecting or locating any metal or mineral in the ground without the consent of the Council.

Obstruction

22. No person shall on the land:

(a) intentionally obstruct any officer of the Council in the proper execution of his duties;

(b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or

(c) intentionally obstruct any other person in the proper use of the land, or behave so as to give reasonable grounds for annoyance to other persons on the land.

Overnight Parking

23. **No person shall, without the consent of the Council, leave any** vehicle or cause or permit any vehicle to be left on the land between the hours of 12 midnight and 6 a.m.

Savings

24. (1) An act necessary to the proper execution of his duty on the land by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.
- (2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the land, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the land or any part thereof.

Penalty

25. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

26. The byelaws made by Leicestershire County Council on 1st December 1947 and confirmed by Justices in Quarter Sessions on 13th December 1947 relating to Beacon Hill and Windmill Hill are hereby revoked.

SCHEDULE OF COUNTRY PARKS

1. Beacon Hill Country Park, Woodhouse Eaves, Nr. Loughborough
73 ha (180 acres) of undulated heathland, bracken, woods and rhododendrons. Toposcope on summit affording superb views. Remains of Bronze Age settlement. Native Tree Collection.
2. Burrough Hill Country Park, Burrough on the Hill, Nr. Melton Mowbray
35 ha (86 acres) site of Iron Age Hill Fort. Well preserved ramparts. Toposcope with fine views. Waymarked Trail. Mixed Woodland.
3. Market Bosworth Country Park
35 ha (87 acres) rural Parkland, with Oak and Maple arboretum, children's adventure playground and lake.
4. Foxton Locks Country Park, Nr. Market Harborough
Landscaped area with woodland footpath leading to Grand Union Canal towpath. Long flight of locks and remains of barge lift on an inclined plane.
5. Bosworth Battlefield Visitor Centre and Country Park, Sutton Cheney, Nr. Market Bosworth, Leicestershire
Historic site of Battle of Bosworth 1485 between Richard III and Henry VII. Visitor Centre including interpretation of Battle, exhibitions, film theatre, book and gift shops, buttery and illustrated Battle Trail. Series of Special Event Days including Battle Re-enactment.
6. Jubilee Wood, Breakback Road, Nr. Loughborough
Mixed woodland with rocky outcrops and walks.
7. Watermead Country Park, Wanlip Road, Nr. Syston, Leicestershire
101 ha (250 acres) Water Park, with lakes, woodland walks, footpaths, picnic area, sail boarding, sailing, fishing and cycleway. Nature reserve with bird hides. Access to River Soar and Grand Union Canal.
8. Broombriggs Farm and Windmill Hill, Woodhouse Eaves, Nr. Loughborough
Typical Charnwood Forest Farm of 53 ha (130 acres) with paths for walkers and riders. Trail with illustrated Boards. Windmill Hill - adjoining woodland area with remains of former Windmill.

9. Sheet Hedges Wood, Newtown Linford Lane, Newton Linford

30 ha (75 acres) mixed wood and farmland with footpaths and trails. Important site for wildlife.

10. The Nooks, Wistow

5 ha (12 acres) of unfenced grassland close to River Sence and Grand Union Canal.

11. Altar Stones, Little Shaw Lane, Markfield

2 ha (4 acre) area of rock outcrop, with geological interest and supporting heath and gorse. Good views over Charnwood Forest and M1 motorway.

12. Crow Mills, Countesthorpe Road, South Wigston

Canalside Site with car park with adjoining footpath trail.

13. Coleorton Wood, Pitt Lane, Coleorton

6 ha (15 acre) reclaimed Colliery Site planted with mixed woodland.

14. Long Wood, Blaby

Woodland Trail leading from Bouskell Park, Blaby.

15. Misterton Marshes

Access from Gilmorton Road, Lutterworth. Waymarked permissive footpaths over land owned by the Leicestershire County Council, in an area rich in wildlife.

16. Donisthorpe Woodland Park

30 ha (75 acres) of reclaimed colliery site planted with 20 ha of mixed woodland. A 2.5 km surfaced track and grass rides suitable for walkers, cyclists and horseriders together with two car parks, three picnic areas and a toilet block have been provided. The Ashby Canal is under development on the site.

17. Salterford Valley and Donisthorpe New Wood including Cockspur Bridge access

7.0 ha of broadleaf woodland, grassland and open water with surfaced paths and picnic benches.

18. Sarah's Wood

10.0 ha of mixed woodland. 1.5 km of tarmac surfaced paths suitable for wheelchair use. Car park, picnic area, play area designed for less able children, toilet block.

The Ashby Canal basin and lock has recently been constructed on site.

19. Ashby Woulds Heritage Trail

6 km of reclaimed railway line from Measham to Spring Cottage, Ashby Woulds. The surfaced path is suitable for walkers, cyclists and horse riders. The trail provides access to Donisthorpe Woodland Park, Heart of the Forest Centre, Conkers and Moira Furnace. A car park at Church Street, Donisthorpe has recently been constructed.

20. Oakthorpe Colliery

5.0 ha of reclaimed colliery with mature woodland and 1.0 ha of new planting. The site adjoins the Woodland Trust Willesley Wood and has a car park and has a hard surfaced track and picnic benches. The line of the Ashby Canal also crosses the site.

21. Bagworth Heath Wood

75.5 ha of reclaimed colliery with newly planted woodland fishing lake and open grass areas. A car park and a children's story telling area have been provided.

22. Bagworth New Wood

11.0 ha of reclaimed colliery spoil tip with new native tree plant, heath land and grass land that is grazed by a tenant. There are grassed paths with access to Bagworth Beacon site.

23. Lount Nature Reserve

10.0 ha site on reclaimed colliery and tip. Regenerated oak and birch woodland with grass land and natural ponds. Managed as a nature reserve by LRWT on behalf of L.C.C. Car park and access tracks provided.

24. A511 sites Coalville

These sites consist of unimproved grassland, wet areas and ponds. Mixed broadleaved trees have been planted and stone surfaced footpaths constructed.

25. Snibston Discovery Park, the Grange Nature Reserve.

Created from a former industrial coal mining site in the National Forest. 45 ha (110 acres) of Leicestershire habitats including a mini arboretum, nature trail and popular coarse fishery.

