



DEVELOPMENT CONTROL AND REGULATORY BOARD

13 OCTOBER 2022

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

LEICESTERSHIRE COUNTY COUNCIL **COUNTRY PARKS BYELAWS**

Purpose of Report

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

Background

2. All Country Parks and recreational sites managed by the Country Parks Service are covered by Byelaws introduced in 2003, with the exception of the Brampton Valley Way, Market Harborough (adopted in 1990). 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 delegated function of the Board includes the consideration of Byelaws. By virtue of Article 4 of the County Council's Constitution the final decision will be made by the County Council following the consultation process this report requests be authorised.
3. In a meeting of the council on 30th September 2020, a motion was passed to:

“Require officers to introduce a condition of contract relating to outdoor events and organised functions on land or property owned and/or controlled by the County Council to prohibit the release of any sky lantern or helium balloons regardless of purpose.”

Proposals

4. It is proposed to revoke the 2003 Byelaws to be replaced with updated Byelaws which fulfil the decision of full council, as well as reflect changes in technology and site usage. No changes will be made to the Brampton Valley Way Byelaws.

5. Officers consider the current Byelaws now need updating so they can cover/address the following issues:
 - a. Inclusion definition of electrically powered cycles;
 - b. Prohibition of use of BBQs and camping stoves;
 - c. Inclusion and prohibition of sky lanterns;
 - d. Inclusion and prohibition of the release of fire works;
 - e. Improved clarity over the use of model boats;
 - f. Inclusion and prohibition of dogs from designated playgrounds and other specified areas;
 - g. Inclusion of dogs on leads areas and dogs on leads by direction;
 - h. Inclusion and clarity of the use of model electric cars;
 - i. Inclusion and clarity of the use model aircraft and drones;
 - j. Inclusion, prohibition and clarity on permission for flyers, graffiti, musical entertainment and firearms.
6. Post the Covid-19 pandemic, the number of visitors using parks, and levels of dog ownership has increased dramatically, as has the reported incidences of anti-social behaviour associated with fires & BBQs, electrically powered cycles, scooters, and the flying of drones. The amendments now being suggested if confirmed will help the Ranger Services in conjunction with the Police, to address these problems more effectively.
7. The Department of Levelling Up Housing and Communities has been consulted informally. Appendix A is the Proposed Byelaws to apply in each Country Park. Appendix B is the schedule of Country Parks.
8. 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.
9. Following the conclusion of the consultation a further report will be brought back to the Board to detail next steps.

Consultation

10. The Director of Law and Governance has been consulted on this report and the Byelaws proposed.
11. Subject to agreement of the Board, a twelve week consultation period will be undertaken.

Equality and Human Rights Implications

12. None that can be quantified at this time.

Recommendations

13. The Director of Corporate Resources be authorised:
- (a) To commence consultation on amending the current byelaws for all country parks listed in Appendix B to the byelaws listed in Appendix A; and
 - (b) to consult informally with DLUHC, Natural England and other statutory bodies;
14. The Director of Corporate Resources be requested to report on the outcome of the consultation back to the Development Control and Regulatory Board.

Reason for Recommendations

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

Circulation under Local Issues Alert Procedure

16. None.

Officer to Contact

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List of Appendices

Appendix A - Proposed byelaws
Appendix B - Schedule of Country Parks

APPENDIX A

These Byelaws are 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.

“adapted vehicle” means a vehicle, whether mechanically propelled or not

(a) the unladen weight of which does not exceed 150 kilograms,

(b) the width of which does not exceed 0.85 metres, and

(c) which has been constructed or adapted for use for the carriage of a person suffering from a disability and used solely by such a person.

“motorcycle” means

(a) a mechanically propelled vehicle, not being an adapted vehicle, with fewer than four wheels and the weight of which unladen does not exceed 410 kilograms.

(b) an electrically powered motor cycles (excluding an electrically assisted pedal cycle);

“cycle” means a bicycle, a tricycle, or an electrically assisted pedal cycle

“electrically assisted pedal cycle” means a cycle that has pedals that can be used to propel it and an electric motor with a maximum power output of 250 watts that should not be able to propel the cycle at a speed greater than 15.5mph and for which no driving licence is required.

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

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

Vehicles

2. (1) No person shall, without reasonable excuse, ride, drive or abandon a motor cycle, motor vehicle or any other mechanically propelled vehicle (other than a cycle, including electrically assisted pedal 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 adapted vehicles
- (4) Motor vehicles shall only be parked or left in designated parking areas.
- (4) This byelaw shall not apply to emergency vehicles accessing the land in connection with the rendering of assistance to patrons.

Cycling

3. No person shall, without reasonable excuse, ride a cycle, except in any part of the land where there is a designated 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.

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. No person shall on the land:

- (1) light a fire, or
- (2) place, throw or drop a lighted match or any other thing likely to cause a fire, or
- (3) release a lighted sky lantern into the atmosphere, or
- (4) light a camping stove or cooker or barbecue, without the consent of the Council.
- (5) launch fireworks or use explosives.

In this byelaw:

“sky lantern” means any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere.

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 without the consent of the Council, intentionally kill, injure, take or disturb any animal, fish or birds (or remove their eggs), 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. (including a power- driven model yacht or toy boat) PROVIDED that no person shall operate a power-driven model yacht or toy boat in such a manner as to cause danger to individuals or damage to the flora and fauna of the park, or give reasonable grounds for annoyance to any other person.

Horses (Dangerous Riding)

16. No person shall on the land intentionally or negligently ride a horse in such a manner as to cause danger or annoyance to 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.
- (3) Any person in charge of a dog shall, before departing from the location, remove up any dog mess left by the concerned animal on the Land covered by this byelaw.

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.

Model cars

21. No person shall operate a power-driven model car in such a manner as to cause danger to individuals or the flora and fauna of the park, or give reasonable grounds for annoyance to any other person.

Model aircraft

22. No person shall, without the consent of the Council, cause any power-driven model aircraft or drone to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

Metal Detectors

23. 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

24. No person shall on the land:

(a) intentionally obstruct any officer of the Council in the proper execution of his or her 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.

Flyers

25. No person shall without prior written consent of the Council, place or affix any posters, notice, signs, printed matter or advertising on the land covered by this byelaw.

Graffiti

26. No person shall without prior written consent of the Council, shall, paint, tag, spray on or deface any part of the land covered by this byelaw or any structure thereon.

Musical Entertainment

27. No person shall play any musical instrument or sing or give any entertainment on the Land covered by this Bye Law except with the consent of the Council or in pursuance of an agreement with the Council.

Fire-Arms

28. No persons other than police or authorised Council staff shall carry, use or display fire arms or other offensive weapons on the land.

Overnight Parking

29. 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

30. (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

31. 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

32. The byelaws made by Leicestershire County Council in 2003 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 rhododendron labyrinth. Toposcope on summit affording superb views. Remains of Bronze Age settlement. Native Tree Collection. Café.
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 arboretum, children's playground and lake.
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, Tithe Barn cafe 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.

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 horse riders and three picnic areas.

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

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

18. Sarah's Wood

10.0 ha of mixed woodland. 1.5 km of tarmac surfaced paths suitable for wheelchair use. Car park and picnic area. The Ashby Canal basin and lock are on the 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, Conkers and Moira Furnace.

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 woodland fishing lake and open grass areas. A car park and a children's story telling area have been provided.

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 local volunteers alongside rangers. 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 Colliery Park

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. Café alongside Century Theatre, 4km of mountain bike trail. Children's play area and pump track.