

Report To: Cabinet

Date of Meeting: 5th December 2022

Report Title: Designation of a cycle path in Alexandra Park

Report By: Cameron Morley, Waste and Cleansing Services Manager

Key Decision: Y

Classification: Open

Purpose of Report

Present to Cabinet an updated report on the proposals to designate a shared cycle route through Alexandra Park.

Recommendation(s)

- 1. Cabinet reviews the proposal to allow cycling on a designated route in Alexandra Park and recommend the report to Full Council for their consideration with a view to determining whether a shared cycle route should be designated in Alexandra Park.**

Reasons for Recommendations

1. In 2016, Cabinet agreed to support a shared cycle route through Alexandra Park following a detailed design by East Sussex County Council and public consultation in 2015 over the proposed route.
2. There has been a significant delay in implementing the project since the 2016 Cabinet approval.
3. East Sussex County Council are now ready to proceed with the scheme during 2023/24.
4. Following the 2021 public consultation over new park's bye laws, the council received strong representations from members of the community both in favour of, and against the proposed shared cycle route.
5. Considering the significant delay since the 2016 Cabinet approval and recent representations to the council over the proposals, it is considered appropriate for councillors to review the scheme and recommend the report to Full Council for their consideration with a view to determining whether a cycle route should be designated in Alexandra Park.

Introduction

1. At the Cabinet meeting of 4th of January 2016, councillors unanimously agreed to support a shared cycle route through Alexandra Park. The 2016 Cabinet paper is attached as Appendix 1.
2. Delays in implementing the project has meant a significant period has now elapsed since the original Cabinet decision. To provide current councillors an opportunity to review the project in full, the proposal to designate a shared cycle route through Alexandra Park has been brought back to Cabinet with a proposal to recommend the report to Full Council for decision. The proposed route is attached as Appendix 2.
3. As this has been a long and complex process, a summary timeline and narrative of the main actions, outcomes and milestones for the project is included in Table 1.
4. This report aims to provide Cabinet and Full Council with sufficient information to come to an informed decision. The report outlines:
 - a. Background summary
 - b. The context for the route in the adopted Hastings Borough Council Local Plan
 - c. Public consultation
 - d. Safety Audit and Equalities Impact Statements
 - e. Signage
 - f. East Sussex decision making process
 - g. Enforcement and review
 - h. Conclusions

Background Summary

5. Providing cycle routes in the town is a strategic policy objective within the Walking and Cycling Strategy and the Hastings Local Plan, 2011-2028.
6. The project to provide a shared cycle path in Alexandra Park is funded and project managed by East Sussex County Council.
7. The proposed cycle path is a shared pedestrian/cycle path and not cyclist only.
8. No new paths will be constructed. Construction proposals are restricted to resurfacing existing footpaths, modifying gradients, widening the footpaths in specific locations, vegetation management, installing new signs and bollards and implementing safety proposals.
9. Alexandra Park is a Grade 2* historic park as designated by Historic England. Historic England have approved the proposals and have worked with the design team throughout the project.

10. In 2015, Hastings Borough Council undertook a public consultation over the proposed route. The consultation helped inform and finalise the designs of the route.
11. The route does not require planning approval. It is classified as Permitted Development under the provisions of Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
12. East Sussex County Council appointed independent road safety consultants to undertake and publish a safety audit of the route. The safety audit is attached as appendix 3.
13. East Sussex County Council undertook an Equalities Impact Assessment to assess the likely impact on users of the park and propose mitigation against any adverse impact. The EIA is attached as appendix 4.
14. At the Cabinet meeting of 4th of January 2016, councillors considered the results of the public consultation, and unanimously approved the proposals for a shared cycle route through Alexandra Park.

The project for a shared use cycle path in Alexandra Park

Hastings Borough Council Local Plan

15. The Hastings Local Plan, 2011-2028, adopted in September 2015, identifies a strategic network of cycle routes in the town to link local communities with key services including employment, healthcare, education, and green spaces.
16. Policy proposal, T3, in the adopted Local Plan states:

The Council will work with East Sussex County Council using the Local Transport Plan 3 policy framework and other partners to achieve a more sustainable transport future for Hastings. Particular priority will be given to;

 - *Supporting the provision of new and enhanced cycle routes in the town, and in particular, supporting the implementation of the strategic cycle network as identified on the key diagram (in the strategic plan) and the Policies Map.*
17. The strategic network of proposed and designated cycle routes in town is published on the Local Plan Proposals Map. A simplified representation of the network of existing and proposed cycle routes, is shown on appendix 7.
18. The route through Alexandra Park is at the heart of the council's strategic proposals for developing a cycle network in the town. Should the proposals for the park not proceed, there would be a significant gap in council's ability to provide a coherent and joined up cycle network.

Public consultation

19. At the start of the project, 2014/15, Hastings Borough Council consulted with local groups, including the Friends of Alexandra Park, Greenway Group and Hastings and Rother Disability Forum. The aim of that targeted consultation with key user groups was to inform modifications of the proposed designs prior to full public consultation.

20. In 2015, following the initial feedback from the user groups and subsequent design modifications, the council conducted a public consultation on the proposed route. The consultation involved press advertisement, on-line consultation, and written responses, together with a public event in the park to advertise the consultation and engage with members of the public.
21. The results of the consultation were presented in the report to Cabinet in January 2016 and informed the unanimous Cabinet decision to approve the proposal. No further public consultation has been undertaken over the principle of the route.
22. An additional public consultation was, however, undertaken by Hastings Borough Council in 2021 over the proposal to adopt new byelaws for parks and open spaces. During this consultation, members of the public took the opportunity to strongly voice their support for, or opposition to, the cycle route. The new byelaws, whilst prohibiting cycling in parks and open spaces, have the provision to allow cycling on designated routes.
23. The results of the byelaws consultation were presented to Cabinet, and the new byelaws approved at Full Council on 14th September 2022.
24. In 2021 East Sussex County Council advertised a Cycle Track Order to convert a short section of footpath to cycle path, along Strood Rd. The advert generated significant strong responses, both for and against the proposed route in the park.
25. Although the full public consultation over the route was undertaken in 2015, there have been further opportunities for the public to voice their opinions on the route: to Hastings Borough Council over the byelaw's consultation, and East Sussex County Council over their Cycle Track Order at Strood Road. Both consultations elicited strong representations for and against, which were duly considered by both authorities in coming to their respective decisions.
26. In the case of the byelaw's consultation, many of the responses directly referenced the proposed cycle route, which was not the focus of that consultation. However, those responses were considered by councillors when coming to their decision on the new byelaws and form part of the public record which is available to councillors when considering public opinion both for and against the proposed introduction of a cycle route through Alexandra Park.
27. As evidenced by the recent byelaw's consultation, the proposed shared cycle route through Alexandra Park continues to elicit strong opinions on both sides of the debate. Those opposed to the scheme express concerns for public safety and equalities and call for a further public consultation. Supporters of the scheme cite the health benefits of cycling, the need to reduce dependency on car use and address the climate emergency, and the route's potential to link deprived areas of the borough into the wider cycle network and to promote a modern, cycle-friendly town.
28. Taken together, the Safety Audit Report and the Equality Impact Assessment show how the safety and equalities concerns have been professionally considered and resolved, and the mitigation measures recommended to reduce potential negative impacts have been factored into the final design of the route.
29. In addition, further public consultation would be unlikely to provide significant additional information to help councillors make an informed decision as the arguments both for and against the scheme are already well-known and documented.

Safety Audit and Equalities Impact Assessments (Equalities and Community Cohesiveness)

Safety Audit

30. Public safety is critical to the successful implementation of the route. In 2019, as part of their due diligence for the project, East Sussex County Council commissioned a Safety Audit of the proposed route. The Safety Audit (Appendix 3) was undertaken by independent senior road safety engineers and has been signed off by East Sussex County Council.
31. The road safety engineers looked at all aspects of the shared route for public and cyclist safety and made recommendations based on their technical and professional expertise.
32. In summary, the recommendations include:
 - a. Cutting back vegetation to maximise visibility for both pedestrians and cyclists
 - b. Provision of additional drainage to ensure water does not pond on the paths
 - c. Additional post and rail fencing provided at relevant locations
 - d. Footpaths resurfaced to provide even surfaces
 - e. Consistent signs, bollards and marking to be provided, especially at the interface between pedestrian only footpaths and the shared route.
33. All the recommendations in the report have been incorporated into the design of the route and will be implemented.

Equalities Impact

34. In addition to the Safety Audit, East Sussex County Council undertook an Equalities Impact Assessment of the route in 2018 and reviewed it again in 2019 (Appendix 4).
35. The Equalities Impact Assessment is a legal requirement and a detailed analysis and assessment tool that ensures the proposals do not discriminate against anyone and, where possible, equality of opportunity is promoted. The tool is a systematic and evidence-based tool that enables the designers to identify potential negative and positive impacts on users of the park and suggests mitigation proposals against those potential negative impacts.
36. The design of the route has been fully informed by the recommendations and mitigation proposals highlighted in both the safety audit and the equalities impact assessment.

The route through the park, signs, and bollards

Surfacing and widening

37. The scheme does not require the construction of new paths. The route follows existing footpaths which will be adjusted to enable them to accommodate shared cycling and pedestrian use. No trees will be removed in the construction of the route. Some shrubs will be cut back, but no more than would be carried out during annual maintenance.
38. The proposals show there will be localised minimum widening of some paths and all the paths along the proposed route between the Strood Road access and the access track to Harmers Reservoir will be re-surfaced to provide a smooth surface. All materials will match

the existing black, flexible material, currently in place. Most of the footpath widening will take place in the upper park. A short section of the existing path within the Lower Park between the toilet block and the café will be resurfaced.

Signs

39. Visual illustrations of the types of signs, fencing and bollards to be used are included in appendix 5.
40. Signage and directional bollards will be installed, together with bronze route markers in the lower park to indicate the route. The use of clear direction signing is key to ensuring that cyclists use the correct route through the park. Due to its Grade 2* listed status the use of new signs has been kept to a minimum.
41. New signs will be manufactured in the colours used throughout the park – olive green and cream. Ordinarily new signs are attached to metal posts, but to ensure the signs are in keeping with the character of the park, they will be installed on newly manufactured oak bollards, which will be installed at key locations to demarcate the route.
42. The markers, signs and bollards all comply with the safety audit recommendations and will be sympathetic to the heritage status of the park. Historic England have been consulted on the use of materials and approved all materials to be used.
43. The use of road markings will also be kept to an absolute minimum. 'No Cycling' markings will only be used at key locations and junctions on the path.

Barriers

44. In sections where the gradient is very steep, staggered pedestrian barriers with reflective bands are included to ensure cyclists slow down. These will be in two locations – at the top and bottom of the steep path leading to the track dividing the Upper Park. Barriers are also proposed for access from Strood Road in case any cyclist ignores the requirement to dismount.
45. Where timber fencing is proposed it will be in the style of Sussex post and rail fencing which can be found throughout the park.

Tennis courts

46. There is no proposal to widen the path in front of the tennis courts in the upper park. However, the park benches at this stretch, which currently sit on the path, will be moved back from the path and the vegetation cut back around them. The existing access gate at the tennis courts which currently opens onto the path, will be relocated further down to a wider point of exit/entry.

Bridges

47. The bridges on the route in the upper and lower park will be renovated by painting them and applying a non-slip walking and cycling surface. Metal hooped fencing will be installed next to the bridges to provide an additional safety barrier against the drop into the watercourse. The style of hooped fencing selected matches existing hooped fencing elsewhere in the park. The fencing will be painted to match the iron bridges. The stone bridge near the tennis courts will also be treated with a non-slip surface.

East Sussex County Council decision making and timetable

48. The proposals have been considered by East Sussex County Council in:
- March 2017
 - June 2018 (to specifically consider an alternative route along St Helens Rd)
 - September 2020 (to convert the footway along Dordrecht Way)
 - May 2022 (to consider petitions of support and opposition to the proposal).
49. At each meeting the Lead Member for Transport and Environment, approved the scheme to proceed to detailed design and construction.
50. The county council have, in addition, considered a range of alternative routes for the cycle scheme, both inside and outside the park. A list of the alternative routes and the reasons why those were rejected is attached as appendix 6.
51. Should the scheme be approved by Hastings Borough Council, it is anticipated that ESCC will procure the contract to build the route in Summer 2023 with a view to construction during 2023/4.

Enforcement and review of the route

52. Enforcing the correct and safe use of the route in the park will be the responsibility of Hastings Borough Council, and in particular the Warden Service.
53. There will be Code of Conduct signs and boards throughout the route. The purpose of the Code of Conduct signs is to encourage everyone to take account of, and respect each other's needs and use of the route. The types of signs and boards to be used have been utilised successfully elsewhere in the country where shared pedestrian and cycle routes are in use.
54. The Wardens will have a heightened presence in the park to enforce Public Space Protection Orders and will therefore engage with cyclists and pedestrians who are presenting a safety concern to others and with cyclists who are not using the designated route.
55. A specific timetable of patrols by the Wardens will be developed once the route has been procured. A key element of that timetable will be the Wardens having a high visible presence for the first six months following completion of the route.
56. Enforcement and review will be subject to continual assessment and appraisal. It is proposed that after the first 6 months, and then more fully after the first year, Hastings Borough Council will review how the route has been used and discuss the results with East Sussex County Council with a view to implementing further remedial measures should they be required.

Financial Implications and risk management

57. The design and implementation of the route is wholly funded by East Sussex County Council from allocated central government funds. There is no direct cost to the council in implementing the project.

58. The funds are, however, time constrained, ringfenced to this project, and require construction to start by Autumn 2023. Any funds not utilised on this scheme must be returned to Government and cannot be diverted to other proposals or alternative schemes.
59. To meet the funding timetable, ESCC had timetabled the procurement of the contract to build the scheme for 2022, with a planned construction in early 2023. However, the County has now formally paused the scheme until Hastings Borough Council has reviewed the proposals.
60. It is crucial HBC come to a decision on whether to progress with the project or not in time for ESCC to meet funding deadlines.

Environmental Issues & Climate Change

61. According to Government statistics and reports, nearly a third of UK children, and over 60% of UK adults are overweight or obese, resulting in direct costs to the NHS. Illness as an outcome of physical inactivity has been conservatively calculated to directly cost the NHS up to £1.0 billion per annum (2006-07 prices). Indirect costs have been estimated as £8.2 billion per annum (2002 prices).
62. The trend across the UK and other developed nations is for physical activity levels to decline. This is associated with widespread use of the private car and an increase in sedentary leisure activities.
63. Walking and cycling have been identified as a key means by which people can build physical activity into their everyday lives. Government reports on the health and cost benefits of cycling indicate that investment in infrastructure or behaviour change programmes which enable increased activity levels amongst local communities through cycling and walking is likely to provide low cost, high-value options providing benefits for our individual health. This improvement also has major benefits for the NHS in terms of cost savings.
64. The cycle path has an important role to play in delivering the town wide ambition to be net zero by 2030 and supports the transition to more sustainable travel choices where transport accounts for more than 25% of the towns carbon emissions.

Legal implications

65. A legal agreement with ESCC will be required for works to proceed on HBC land.

Conclusions

66. There has been a significant delay in implementing the project since the 2016 Cabinet approval. As such, it is considered appropriate for councillors to review the scheme and the report is recommend to Full Council for their consideration with a view to determining whether a shared cycle route should be designated in Alexandra Park.
67. The proposals to provide a shared cycle route through Alexandra Park has been a long-established project between Hastings Borough Council and East Sussex Country Council and part of a strategic ambition for both councils to provide more cycle routes in the town to reduce traffic, increase health and address our climate crisis.
68. The route through Alexandra Park is at the heart of the council's strategic proposals for developing a cycle network in the town. Should the proposals for the park not proceed, there

would be a significant gap in the council's ability to provide a coherent and joined up cycle network.

- 69. The project has followed due process for safety, equalities, and public consultation. Whilst it is noted that strong representations have been made to both councils (both for and against the proposal) it is considered that the safety and equalities concerns have been professionally and technically resolved, and that any further public consultation would not provide significant additional information to help councillors make an informed decision.
- 70. The funds allocated by ESCC for the project are time constrained and are likely to be lost should the scheme encounter further delays. It is critical therefore that Hastings Borough Council come to a decision on whether to progress with the project.
- 71. If approved for construction, the shared cycle route will be enforced by Hastings Borough Council's Warden Service with review and assessment undertaken after 6 months and again after 1 year.

Timetable of Next Steps

72. Please include a list of key actions and the scheduled dates for these:

| Action | Key milestone | Due date (provisional) | Responsible |
|---|------------------------------|---------------------------|---|
| HBC Cabinet recommend the report to Full Council for decision over scheme | Full Council | 15 th December | Environment and Natural Resources Manager |
| Cycle scheme implemented | Procurement and construction | 2023/4 | East Sussex County Council |

Wards Affected

St Helens, Silverhill, Braybrooke.

Policy Implications

Reading Ease Score:

Please identify if this report contains any implications for the following:

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|---------------------------------------|---|
| Equalities and Community Cohesiveness | Y |
| Crime and Fear of Crime (Section 17) | N |
| Risk Management | Y |
| Environmental Issues & Climate Change | Y |

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|---------------------------------|---|
| Economic/Financial Implications | Y |
| Human Rights Act | N |
| Organisational Consequences | N |
| Local People's Views | Y |
| Anti-Poverty | N |
| Legal | Y |

Additional Information

- Table 1 Summary of key events relating to the proposed Alexandra Park shared cycle route
- Appendix 1 HBC Cabinet report, 4th January 2016
- Appendix 2 Proposed cycle route map
- Appendix 3 ESCC Safety Audit
- Appendix 4 ESCC Equalities Impact Assessment
- Appendix 5 Proposed signs
- Appendix 6 Consideration of alternative routes
- Appendix 7 Hastings Borough Council Local Plan strategic cycle network

Officer to Contact

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**Table 1 Cabinet 5th December/Full Council 15th December 2022
Summary of key events relating to the proposed Alexandra Park Cycle Route**

| When | What | Outcome |
|-------------|---|--|
| 2011 - 2028 | Hastings Local Plan identifies a strategic network of cycle routes in the town to link local communities with key services including employment, healthcare, education and green spaces | <p>Policy proposal, T3, in the current adopted Local Plan states:</p> <p><i>The Council will work with East Sussex County Council using the Local Transport Plan 3 policy framework and other partners to achieve a more sustainable transport future for Hastings. Particular priority will be given to;</i></p> <ul style="list-style-type: none"> • <i>Supporting the provision of new and enhanced cycle routes in the town, and in particular, supporting the implementation of the strategic cycle network as identified on the key diagram (in the strategic plan) and the Policies Map.</i> <p>The strategic network of proposed and designated cycle routes in town is published on the Hastings Borough Council Local Plan Proposals Pap, adopted September 2015.</p> |
| 2013 | Walking and Cycling Strategy published by ESCC/HBC/Hastings Urban Bikes (HUB) and Ramblers Association | Cycle route proposed for Alexandra Park. |
| 2014 | Feasibility Report produced by ESCC, in partnership with HBC | <p>HBC agreed to:</p> <ol style="list-style-type: none"> 1. Undertake a public consultation of the proposed route 2. Provide planning/heritage conservation advice (application through planning committee if required) 3. Landowner permission through Cabinet of a proposed route <p>During the project, we further agreed to update our Parks byelaws</p> <p>ESCC agreed to:</p> <ol style="list-style-type: none"> 1. Fund the development and implementation of the route 2. Engage all specialist engineers/consultants 3. Update all drawings and revisions 4. Procure and project managing construction |

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| April 2015 | Alexandra Park Cycling Reference Group established | Reference Group included Friends of Alexandra Park, Greenway Group and Hastings and Rother Disability Forum. The group provided the design engineers with feedback and proposed design modifications. A consultation process was agreed. |
| 15/6/2015-21/7/2015 | Public consultation, including an open day in the park. | <p>Consultation was advertised in local press and on HBC website. Consultation feedback was available online and through hard copy representation. The consultation was fully compliant with HBC procedures for public consultations.</p> <p>A marquee was erected in the park over the weekend of 28th June 2015 where the plans of the route were on display. Representatives from the design engineers, ESCC and HBC were available to discuss the proposals and the consultation with members of the public.</p> |
| 21/7/2015 | Public consultation results | <ul style="list-style-type: none"> • 177 consultation responses <ul style="list-style-type: none"> ○ 82 for and 84 against ○ 1 petition against <p>Summary of key concerns from the public consultation were:</p> <ul style="list-style-type: none"> • Public safety • Enhanced and effective signage • Enforcement |
| 4/1/2016 | Cabinet considers the proposal to implement a cycle route in Alexandra Park | <p>Consultation responses were collated and summarised for Cabinet in January 2016.</p> <p>Cabinet unanimously agrees recommendations to support the provision of a cycle route.</p> |
| 16/2/2016 | Planning Statement on Permitted Development | HBC Principal Planning Officer advised the intended works were permitted development under the provisions of Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, therefore planning permission was not required. This planning advice was reconfirmed by the council's Planning Services Manager in June 2022. |
| On-going since 2016 | Question and Answers on the HBC website maintained | Key Q&A available on the council's website and are updated |
| 20/3/2017 | ESCC presented proposal to Lead Member for | The meeting proposed a review of the scheme to consider an alignment of the route to run along St. |

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| | Transport and Environment with recommendation to proceed to detailed design and construction, with support from HBC | Helens Road. |
| June 2018 | ESCC Lead Member for Transport and Environment review of the alternative alignment proposal along St Helens Road | <p>ESCC reported back to Lead Member for Transport and Environment the recommendation of the St. Helens Road alternative alignment review.</p> <p>It stated that such a proposal would:</p> <ul style="list-style-type: none"> • require significant footway widening (due to the proximity of the existing spiked railings protected by Historic England), • create risks with bus users, • require the removal of 37 trees, • require removal of parking at the lower section of St Helens Road. <p>Approval was given to proceed the scheme through to detailed design and construction and to proceed with original alignment presented in March 2017.</p> |
| 2019 | Safety Audit | <p>A detailed design safety audit completed by East Sussex County Council. The route is designed to ensure all users can access the route as existing to accord with the 'Inclusive Mobility' design guidance and the Equality Act 2010.</p> <p>A Stage 1 Safety Audit was conducted by the design consultants in 2018.</p> <p>A second, combined Stage 1 and Stage 2 Safety Audit was completed by East Sussex Highways, through Jacobs consultants and approved by ESCC in January 2020.</p> |
| February 2018 | Equalities Impact Assessment | ESCC produced an Equalities Impact Assessment for the route and assessed how each protected characteristic is considered should the proposed shared facility be introduced in Alexandra Park. In each instance, positive and negative impacts are considered, and where negative impacts are stated, mitigation measures have been presented within the assessment. Those measures are reflected in the scheme plans. |
| 2020/21 | ESCC conversion of footway at Strood Road to cycle path | The Cycle Track Order (CTO) for the short section of footpath along Strood Road was advertised in July 2021. The advertisement generated many objections. Most comments objected to the premise of cycling |

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| | | <p>through the park on safety grounds. Any objections to the advertisement would need to be submitted to the Secretary of State (SoS) in accordance with Cycle Tracks Act 1984, for consideration as to whether they would require written assessment or a Public Inquiry. The caseworker for the SoS confirmed that, from experience, many CTOs proceed to a Public Inquiry.</p> <p>Preparing for and attending a Public Inquiry requires considerable officer resource and would impact on the delivery of other aspects of the team's wider work remit. There would also be a considerable expense incurred (for example, legal preparation, venue, hiring of expert witnesses etc) associated with this process which would have to be funded by the County Council. Therefore, it is not considered to be an appropriate use of the County Council's resources and available funding to proceed with this process.</p> <p>An alternative option has been proposed for this short section which would involve the installation of 'cyclist dismount' signs at the proposed section at Strood Road alongside retaining its current status. Subject to implementation, this will be monitored over a 12-month period to see how effective this is and whether it requires further enforcement.</p> |
| 2020/21 | ESCC conversion of footway at Dordrecht Way to cycle path | <p>A legal notice was required to allow cycling on the pavement to allow cyclists to cross Dordrecht Way.</p> <p>This was approved by Lead Member for Transport and Environment at her decision-making meeting in September 2020.</p> |