

Basingstoke Canal Joint Management Committee**Cycling Policy - Decision Paper****22 November 2018**

Lead officers: Fiona Shipp / James Taylor

Telephone: 01252 370073

Email: Fiona.shipp@hants.gov.ukjames.taylor@surreycc.gov.ukHampshire
County CouncilSURREY
COUNTY COUNCIL**Key Issue**

To consider adopting a Cycling Policy and a Towpath Users code of conduct for the Canal.

Summary

To better manage towpath users, and adopt a code of conduct for all towpath users.

Officer's recommendation

The JMC is asked to:

- a) Approve the BCA Cycle Policy to be used in reference to the Basingstoke Canal.
- b) Authorise BCA officers to keep the Policy Statement under review adding items and making adjustments as appropriate.
- c) Authorise officers to draw up and implement a scheme of signing and minor works designed to reduce cycle speed in the Woking section of the Canal towpath, and promote a positive shared space in which pedestrians have priority.

1 Introduction & background

- a. The Canal towpath has become a popular access route for recreation and in some areas non-motorised transportation. It provides an ideal green, traffic free commuter route through areas such as St Johns, Sheerwater, Woodham, Woking, Fleet and Ash Vale. Cycling is a very popular way to commute and these towns all have good access from the canal to local train stations at Woking, West Byfleet, Fleet and Ash Vale.
- b. The towpath is now at times crowded with many different types of user, and there is inevitably some clashes, physically and verbally. This issue is not unusual to the Basingstoke Canal, and similar issues are seen on many canals throughout Great Britain. Canal & Rivers Trust [CRT] carried out a public consultation on towpath use and found:
 - i. *'Based on our research , which we undertook with Forster Communications and involved focus groups workshops and a canal network wide consultation, we discovered most people are now more*

concerned about the speed at which other visitors travel and their consideration for others.' (Canal & Rivers Trust website)

- c. As a result CRT have run several public awareness campaigns to encourage cooperative shared use of towpaths; eg "Two Tings", "Share the Space, Slow your Pace".
- d. Of particular issue for the Canal is the section between Brookwood and New Haw which has an "improved" surface. A sealed surface was provided in phases around 2005 and has enabled cyclists to cycle much faster through this area. At the same time a project was run in Woking to create cycle routes through the town, and the Canal towpath became part of the Saturn Trail.
- e. So although the Canal towpath is not a public right of way nor a cycle-path, it became part of a signposted route. The signage for this included destinations along the route and approximate cycling times to these destinations. It was felt in 2012 that these were causing issues in encouraging cyclists to use this area and cycle faster to try and beat the advertised times. This issue was brought to JMC in 2013 and it was agreed to remove the Saturn Trail signs from SCC Canal managed land. This was actioned. Some of the Saturn trail signs remain around Woking but none on the canal land. Cyclists have however become accustomed to using the towpath and many assume wrongly that it is a cycleway, with cyclists having the priority.
- f. Since 2013 the BCA, in conjunction with BCS Lengthsmen, have carried out campaigning activities based on the "Share the space, Drop the pace" campaign - borrowed under license from CRT. This is part of a nationwide campaign, as this problem is not unique to the Basingstoke but a common issue across the UK waterway network. With CRT's permission their slogan was used at a launch held at Woking WWF followed by a number of sessions on the towpath promoting sharing the towpath in an amicable way, giving away merchandise with the slogan and leaflets with more information.
- g. West of Deepcut, and especially at the Hampshire end of the Canal the towpath is narrower than in the Woking area and also has an unbound stone surface. The BCA get far fewer reported incidents of aggression between towpath users from Hampshire as the rural surface and narrowness already act as 'traffic calming' on cycle speed.

2. Legal Position

- a. The towpath is not a public right of way (except for a small stretch between Greywell and North Warnborough in Hampshire, and adjacent to the Lock chamber and over the lock tail footbridge at Lock 3 at West Byfleet).
- b. The Canal was purchased under the National Parks and Access to the Countryside Act 1949, with the aim being for 'countryside for quiet recreation' with special regard for people using the waterway in "small boats".

Pedestrians therefore have the priority on the towpath and cyclists are only allowed to use it with the permission of the owners.

- c. The Canal has a set of byelaws and cycling is referred to in the following clauses;
 - i. **Vehicles**
 - ii. (2) No person shall, without reasonable excuse, ride a cycle except on 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.
 - iii. '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
 - iv. **Obstruction**
 - v. No person shall on the land or on the Canal:
 - 1. intentionally obstruct any other person in the proper use of the land or the Canal, or behave so as to give reasonable grounds for annoyance to other persons on the land or on the Canal.
 - vi. 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.
 - vii. The byelaws came into effect on 1 January 1995. They reinforce the point that cycling is by permission only, is not as of right, and persons using the towpath should be accommodating to one another.
 - viii. Advice on the duty of care surrounding use the Canal towpath has been sought from Surrey County Council's Legal & Democratic Services Department.
 - ix. They advise that as the Canal is held as Access Land the provisions of the Countryside & Rights of Way Act 2000 are applicable. This Act limits the liability of owners and occupiers in respect of people using the land as Access Land in many cases. However, as cyclists are invitees onto the towpath the County Councils and BCA owe a duty of care in respect of cycling.

3. Consultation

- a. No public consultation has been undertaken. A draft paper covering these issues was taken to Joint Advisory Group for partnership officers to discuss.
- b. Many of the partnership officers noted experiencing similar difficulties with cycling on their own sites. Strict enforcement of rules or cycle bans were considered, but agreed by all to be unworkable within existing resource. Partners recognised that signage might have little actual positive impact, but additional signing should still be considered to cover duty of care to show visibly that the BCA had taken steps to try and reduce risk and increase education about the shared space.

- c. They also felt it was worthwhile to keep trying to educate the public in other ways. Officers felt that a key message was that pedestrians had priority over cyclists. There was general support for the proposed Towpath Code that educates all users and also felt it was good to get across the key point that pedestrians have the right of way over cyclists.

4. Discussion

- a. National guidance concerning the design of cycle routes is currently contained in Local Transport Notes 2/08 and 1/12; these were produced *after* the conversion of the Basingstoke Canal Towpath. This guidance recommends that a shared use path would normally be 3m wide:
 - i. *“A width of 3 metres should generally be regarded as the preferred minimum on an unsegregated route, although in areas with few cyclists or pedestrians a narrower route might suffice. Where a significant amount of two-way cycling is expected, additional width could be required. However, the need here for additional width is not clear cut, because the absence of segregation gives cyclists greater freedom to pass other cyclists. It might therefore depend on user flows.”* (2012, Department for Transport, Local transport Note 1/12, Shared Use Routes for Pedestrians and Cyclists)
- b. During the construction of the paved cycle route in Woking, Borough Planning Officers insisted that the paving be no more than 1.8m wide to fit with the character of the planning Conservation Area. It is not known if a safety audit was conducted by Sustrans / SCC Transportation Officers who were overseeing the construction at the time, as this width would have been below the 2.0-2.5m width recommended in local guidance at the time.
- c. The current national guidance goes on to recommend forward visibility limits, which the Canal usually surpasses except at low bridges. The reduced forward visibility is already taken into account with “Cyclist Dismount” signing being provided on all bridges with restricted visibility.
- d. The width of the path is substantially below what is now considered to be a minimum for this type of path, now commonly used as a commuting cycle route due to its convenient location. The guidance suggests that widening paths and increasing forward visibility should be considered as a first step where this is the case. However, without additional land ownership there is little prospect of widening the towpath to ease the situation; the cost of acquiring additional land, and constructing a wider path throughout the Brookwood – New Haw section would be prohibitive.
- e. With widening largely ruled out due to cost, an alternative option would be to remove all signs permitting cycling and rely on the prohibition provided in the bylaws. However, Canal was purchased by the County Councils for recreation in the countryside – cycling is part of this today and has many health benefits, it would not fit with the policies of either owner to ban cycling; neither would it be fair to punish the many for the inconsiderate actions of just a few people. A

cycling ban would be impossible for the BCA to police within its existing resources and is likely to be very unpopular.

- f. National guidance suggests that where cycle routes have to be constructed at less than the ideal width or forward visibility then physical options to control cycle speed should be considered. The suggestions in the guidance include the provision of tactile paving, humps, signing, bollards to restrict width and staggered barriers.
- g. Although partnership officers recommended the provision of some additional signing it is unknown whether further signs would have any noticeable effect, and certainly the provision of signs alone is thought unlikely to have any appreciable effect on the way the public use the towpath.
- h. Physical barriers could be used to slow cycle speeds, however, these would need to be carefully designed at key places – modern full-suspension bikes might encourage some cyclists to speed up and jump over humps, for example. The use of barriers adds restriction to other users such as wheelchairs and people with prams which are known to be regular users of the towpath, and adds difficulty to the use of the towpath by BCA maintenance vehicles and plant.
- i. Unfortunately, it is impossible to enforce consideration for fellow towpath users. However, it is notable that CRT, the industry leader, has concentrated on public awareness campaigns and has gone as far as removing previously provided barriers in some urban areas. Sustrans also publishes user guidance based on sharing off-road routes considerably.
- j. The BCA along with other canal managers are aware there is an issue of inter-user conflict, but with a 224 year old heritage asset designed for horses to pull barges is trying to meet modern day transport and recreation needs. This is a complex problem to resolve with no quick fixes, as it relies on people simply being nice and considerate to each other which no amount of barriers, signage or campaigning is likely to fully achieve.
- k. The BCA have however arrived at a draft cycling policy which is appended to this report at Appendix 1. This covers a code of conduct based on those produced by the IWA and CRT. It also ensures that any future cycle improvements to the Canal are fully compliant with the core purpose of the local authorities owning the land and ensures compliance with appropriate standards.

5. Financial and value for money implications

- a. There is no cost involved with implementing the Policy Statement, however, additional signing and other physical improvements is now required to mitigate the effect of previous cycle improvements in the Woking area. A signing and minor works plan will be developed with an initial budget of £10,000 drawn from the BCA's revenue budget for Canal works.

6. Equalities & Diversity implications

- a. The canal towpath is in itself a very accessible routeway that allows many users to access green space. It is suitable for push chairs, wheelchairs and cycles as well as walkers and runners. We don't want to restrict access when so many people enjoy the canal in a very positive way.
- b. The speed that some cyclists travel however can cause a risk to other more vulnerable users, particularly the elderly, mothers with young children and the hard of hearing. A cycle bell does not always work particularly for people who are hard of hearing or who wear hearing aids as these are not designed to pick up sounds from behind and make it difficult to identify.

7. Crime & disorder implications

- a. Incidents on the Canal have previously been reported to the police to deal with as would any anti social behaviour. The main types of incident have been verbal abuse, pushing of people into the canal and injury to people and dogs from clashes with cycles.
- b. The adoption of a policy and provision of signing and works are unlikely to have any effect on anti-social behavior.

8. Conclusion and recommendation

- a. A formal cycle policy in respect of the Canal is now required alongside works and campaigning to mitigate cycle speeds. That the Committee:
 9. Approve the BCA Cycle Policy to be used in reference to the Basingstoke Canal.
 10. Authorise BCA officers to keep the Policy Statement under review adding items and making adjustments as appropriate.
 11. Authorise officers to draw up and implement a scheme of signing and minor works designed to reduce cycle speed in the Woking section of the Canal towpath, and promote a positive shared space in which pedestrians have priority.

12. What happens next

- a. BCA will use the policy statement in its publications and publicise the Code for Towpaths to promote safer use of the towpath for everyone.
- b. The BCA will draw up a scheme of signing and other minor works aimed at reducing cycle speed and promoting shared use for the Woking section of the Canal

Appendix 1 – BCA Cycle Policy Cycle Policy Statement

The BCA supports sedate cycling on the towpath by individuals, families and small groups. Commuter and recreational cycling should only take place where the safety of the rider can be assured and it does not compromise the safety and enjoyment of other users.

Although there is no specific speed limit for cyclists on waterway towpaths, cyclists should slow down and consider all other users of the towpath. Cyclists must take particular care when passing walkers and anglers, and be prepared to dismount. Cyclists exceeding a speed of approx. 9mph are likely to be going too fast to meet the other criteria.

In busy locations cyclists may find it quicker to use the nearest road as an alternative route.

This policy is proposed to be supported by a code of conduct for all towpath users. This has been developed by Canal & Rivers Trust as part of their Share the Space campaign:

Code for Towpath Users

Share the Space- consider other people and the local environment whenever you're on the towpath.

Drop your pace- jogging and cycling are welcome, but drop your pace in good time and let people know you are approaching by ringing a bell or politely calling out before waiting to pass slowly.

Pedestrians have priority on the towpath, or other shared use areas of Canal land.

Be courteous to others - a smile can go a long way.

Follow signs - they are there for the safety of everyone. Cyclists should dismount where required and use common sense in busy or restricted areas, recognising that pedestrians have priority.

Give way to oncoming people beneath bridges - whether they are on foot or bike and be extra careful at bends and entrances where visibility is limited.

When travelling in large groups - especially if you are running or cycling, please use common sense and give way to others.

Try to avoid wearing headphones - as this makes you less aware of your surroundings, and others sharing the same space.

Keep dogs on a short lead - and clean up after them.

At all times, keep children close to you- and encourage them to learn and follow the Code for Towpaths.

New Cycle Facilities

Proposals for additional cycle infrastructure from developers, planning or transportation departments must accommodate existing navigational and recreational uses. Any proposal which in the opinion of the BCA changes the fundamental balance of the Canal from recreation to transport will not be supported.

The BCA consider that the dedication of any part of the Canal as a public highway (the definition of which includes public rights of way and cycle paths) is contrary to the purpose for which the land is currently held as countryside for quiet recreation. Any proposals which requires adoption of areas of Canal land for public highway will require the Appropriation of the land, which requires the consent of the landowners and Ministerial approval.

The BCA will only support or implement the provision of additional cycling facilities on the Canal towpath where they can demonstrably meet the design requirements of LTN 2/08 and LTN 1/12 (or replacement guidance issued by the DfT for the design and construction of off-road cycle routes). Proposals which cannot meet these standards will not be supported.

Proposals linked to or near known new developments will need to consider the growth of both recreational and functional use on the towpath *after* any known developments have occurred.

Appendix 2 – Background documents

Local Transport Notes – Department for Transport

- [LTN 2/08 Cycle Infrastructure Design](#)
- [LTN 1/12 Shared Use Routes for Pedestrians and Cyclists](#)

Surrey County Council

- [Surrey Transport Plan - Cycling Strategy](#)

Hampshire County Council

- [Cycling Strategy](#)

Sustrans

- [Advice on using shared use paths](#)

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