

Phil Norrey
Chief Executive

To: The Chair and Members of the
Public Rights of Way
Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 1 November 2017
Please ask for : Wendy Simpson, 01392 384383

Email: wendy.simpson@devon.gov.uk

PUBLIC RIGHTS OF WAY COMMITTEE

Thursday, 9th November, 2017

A meeting of the Public Rights of Way Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

AGENDA

- 4 Devon Countryside Access Forum (Pages 1 - 12)
Draft minutes of the meeting held on 12 October 2017, attached.

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Membership

Councillors P Sanders (Chair), T Inch (Vice-Chair), J Brook, I Chubb, P Colthorpe, A Dewhurst, R Edgell, M Shaw and C Whitton

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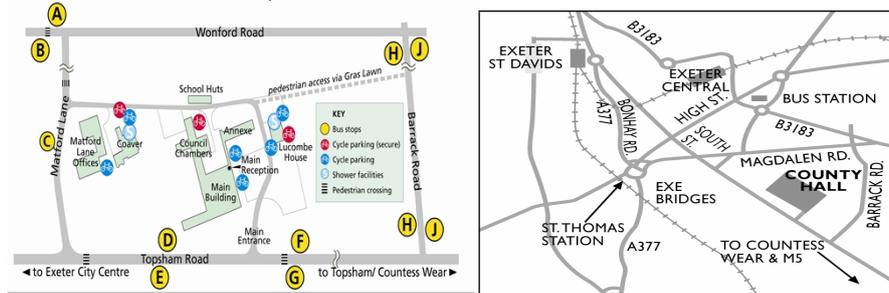
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Minutes of the Forty-Eighth Public Meeting
of the Devon Countryside Access Forum
held at Great Moor House, Sowton, Exeter
Thursday, 12 October 2017

Attendance

Forum members

Simon Clist	Chris Cole (Vice Chair)
John Daw	Gordon Guest
Jo Hooper	Tony Inch
Chris Ingram	Linda Lee
Sue Pudduck	Mark Simpson
Sarah Slade (Chair)	Maggie Watson

Devon County Council officers and others present

Jane Beech, Lead Adviser, Coastal Access, Natural England
Helen Clayton, Senior Officer, Public Rights of Way, DCC
Ros Mills, Public Rights of Way Manager, DCC
David Trump, Lead Adviser, Coastal Access, Natural England
Hilary Winter, Forum Officer, DCC

The Chair welcomed Cllr Tony Inch to his first meeting.

1. Apologies

Apologies had been received from Sean Comber, Andrew Cox and Philip Sanders.

2. Declaration of interests

No interests were declared.

3. Minutes of the Forty-Seventh meeting held on 27 April 2017

Minutes of the previous meeting were approved, subject to amending 8.1. (last paragraph) to read "Chris Cole confirmed he had been involved in a development scheme in Pinhoe whereby DCC money had been used to put in a radar gate."

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4. Matters arising

4.1 Dog advice

The latest edition of Daily Wag, published by East Devon District Council, included the DCAF article on responsible dog walking.

4.2 Exe Estuary Partnership - dog walking code of conduct

Initial advice from the DCAF had been submitted, as discussed. The dog walking code of conduct should be available for consultation in November.

4.3 Minor road network

An email had been sent to the Acting Chief Officer, Highways, Infrastructure, Development & Waste, DCC, requesting that the DCAF is kept informed of policy developments affecting the minor road network, maintenance funding arrangements and the external consultation process that will take place. The correspondence had been passed to the Asset Management Group Manager.

It was agreed that a further email requesting updates should be sent.

Action: Forum Officer.

4.4 DCAF Annual Report 2016/17

The DCAF Annual Report 2016-17 had been published on the website and would be distributed to section 94(4) bodies and other interested organisations.

Action: Forum Officer.

5. Correspondence log

The Log was noted. Attention was drawn to the number of Local Plan and Neighbourhood Plan consultations. Members agreed with the process of sending position statements. It was confirmed the position statements are on the DCAF website.

6. Public questions

No public questions had been received.

7. DCAF member attendance at events/meetings and working groups

7.1 National Local Access Forum Conference

Jo Hooper and Sue Pudduck were thanked for attending the Conference and submitting a report. Discussion took place on a number of their

recommendations.

- a) To submit the DCAF disability position statement to Natural England and ask them to promote it to other LAFs and consider in relation to the England Coast Path.

It was agreed this would be useful.

Action: Forum Officer.

A participant at the Conference is thinking of setting up a disability access network and details had been passed to Gordon.

- b) It was suggested a closer working relationship should be formed with the DCC Health and Wellbeing Board. Ros Mills, DCC, stated that there is a good relationship with the Local Nature Partnership Naturally Healthy Group, attended by the DCAF Forum Officer, which feeds into the Health and Wellbeing Board. Public rights of way and country parks are important assets which can contribute towards achieving physical activity health targets. It was suggested and agreed that the DCAF invite a representative from the Health and Wellbeing Board to a meeting or training day.

Action: Forum Officer

- c) The dementia workshop at the LAF Conference had been very interesting and developing links to the County's dementia strategy or piloting a dementia-friendly space were suggested. Ros Mills, DCC, said Stover Country Park is making links with dementia organisations as part of its Lottery Fund bid and an update would be provided in due course.

Action: Ros Mills, DCC.

Sue Pudduck had attended the Network Rail workshop at which it was suggested money for improvements might be available at the end of the financial year. It was confirmed the Public Rights of Way team is represented at rail partnership meetings as there are 32 at grade crossings in Devon.

The Forum noted that an interesting workshop had taken place at the Conference on multi-use trails and behaviour which had lacked suggestions for good practice. It was agreed it was a pity no consensus had been reached. Simple signage and education were required to deal with speeding cyclists. The popular Camel Trail had been highlighted as a good example. Members noted the narrow width and surface of this trail encouraged people to be respectful and discouraged racing cyclists.

Feedback on the event had been submitted to Natural England.

7.2 Equestrian publicity and trail surfacing working group

Explore Devon website

A working group was set up following the last meeting. It considered the

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question of equestrian publicity and the possibility of adding horse routes to the Explore Devon website, together with comprehensive information about horse box parking and other basic facilities. The email to Lesley Garlick, DCC, was noted and approved.

Ros Mills, DCC, said that Lesley Garlick would be retiring, posts would be merged and there was no resource for website development. It would be possible to signpost to other websites and partners such as the British Horse Society, SW Riders, the Blackdown Hills, Dartmoor National Park, National Trust and Forestry Commission. Any route specifically promoted by DCC would have to be risk assessed. It was noted that Sustrans had some information, particularly in connection to growth routes and links to these. Cycle England also had a useful website.

The working group had been trying to achieve a single resource. It was agreed links would be useful but not comprehensive.

It was noted that DCC now produce very few hard copies of publications as these are available as pdf documents on the web. The budget had been reduced and not transferred to web improvements.

It was agreed the Forum should write to Meg Booth and David Black, DCC Chief Officers, to highlight the benefits of having a single resource point, covering all user groups, where people can access information. There would be a potential link to health funding.

Action: Forum Officer to draft and circulate letter.

Trail surfacing

The working group inspected surfacing on a particular section of the Pegasus Trail, recently re-surfaced with crushed rock. Concerns had been expressed by horse-riders and other users about the stoning. Steve Gardner, DCC, had attended an initial site visit with the working group.

To achieve a softer surface and improved landscape, recommendations had subsequently been put forward to Steve Gardner, Senior Officer, DCC. The working group had suggested a pilot scheme involving wood chippings over part of the surface, recognising the need for hard surfacing across part of the forestry access road. The letter to Steve Gardner was noted and approved.

Steve Gardner had thanked the DCAF for its advice but was not willing to put down wood chip for biosecurity reasons, bearing in mind the forestry interests at that location. Members acknowledged this issue. DCC had agreed to dust the surface as is usual for this type of surface and make re-dusting part of a regular commitment. This decision was welcomed by the Forum though some disappointment was expressed that the opportunity had been lost to look at alternative surfaces and cost these out.

Ros Mills, DCC, appreciated the concerns raised and acknowledged dusting should have been undertaken initially. She said that without a Rights of Way Improvement Plan Officer there was no time to undertake trials. Asset management models were in place to maintain rights of way with lasting

surfaces. The Countryside Agency (now Natural England) had good specifications for multi-use trails which DCC uses. With dusting it is anticipated the surface at West Bowerland would last longer and soften in years to come.

The time constraints associated with some funding pots were noted. It was mentioned contractors use different stone, some in greater sympathy with the landscape, for example the section at Venn Down Gate had settled more quickly. The importance of giving guidance to contractors on the particle size of scalplings was raised.

Ros Mills would advise when dusting had taken place. The British Horse Society had expressed satisfaction with the proposals and emphasised that a safe off road route should be the priority.

The working group had subsequently drafted some trail principles. Following discussion it was agreed some revisions were required, particularly to point 1).

Action: Forum Officer to circulate to members for further comment.

The working group had not addressed carriage driving, allowed on multi-use trails in many authorities. Ros Mills confirmed she had asked other regions to report back on this to the national Adept meeting.

Action: Ros Mills to update Forum.

7.3 Training day

The joint training day at Fingle Woods with Dartmoor Access Forum had been an interesting and useful day. Staff from the National Trust and Woodland Trust discussed access improvements at the woods, now a sizeable recreational access site. The 'stick and flick' policy for dog mess was noted. This could create mixed messages. An example of a self-closing gate using a chain and rock was seen and this worked well. Presentations followed on the Two Moors Way, Dartmoor Way and recent trail extensions on the Pegasus Trail and Wray Trail. A discussion took place on recreational pressures resulting from housing developments.

8. Minutes of the Public Rights of Way Committee held on 6 July 2017

Minutes of the Public Rights of Way Committee were noted.

9. Public Rights of Way update

Helen Clayton, DCC, reported that the next Public Rights of Way Committee would be on 9 November. A Public Inquiry was taking place at Cruwys Morchard on 13 December. No statements of case had been received and DCC is neutral. A further Public Inquiry was scheduled for Berrynarbor in April 2018, for a restricted byway, and again DCC is neutral.

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No appeal had been received on the River Coly footpaths. DCC had to ensure the route is open and available. Discussions are taking place with landowners about bridge installation and a diversion on the middle section is being discussed to avoid two bridges. It is likely work would take place from April 2018 onwards due to river work, in liaison with landowners.

Three P3 workshops were being held in Crediton, Great Torrington and Ivybridge. John Daw offered to attend the Crediton event.

Action: John Daw.

The Public Rights of Way team is involved in significant planning application work and is asking for contributions for improvements, where appropriate, for example on the Tarka Trail.

Ros Mills, DCC, confirmed that easy to use figures for the public rights of way network stood at 96%, with help from P3 groups, and category 12 routes at 93%. Inspection of the network took place on a three year cycle and over 4500 km had been inspected. This represented 62%, down by about 430 km. Category 12 routes (582 km in total) were inspected each year and inspections were at 53%, down by about 100 km. This was a reflection of the increased workload, for example Wardens now inspected smaller bridges and had responsibility for cycle/multi-use trails.

Some capital schemes had been delivered, for example a new bridge at Bellamarsh, Newton Abbot, and improvements to the cycle/multi-use network.

83% of the capital budget for the year had been committed. Wardens' work has half the budget and there are additional budgets for agency agreements with the two National Parks; structures; P3; small community schemes; the design and bridges section; cycleway maintenance and the coast path.

The length of the public rights of way network was more dynamic than the road network with an increase of 8.6 km since February 2017 and another 3.6 km of unclassified unsurfaced County roads had been identified. Major work resulted from the Definitive Map Review process, for example restricted byway bridge crossings.

Public Rights of Way had 53 small contractors on its books, appointed through a tender process for a two year contract. These contractors were frequently more cost effective than the main highway contractor.

The Trail Riders' Fellowship and other groups were thanked for their assistance in maintaining the network.

A reduction in budget was anticipated in 2018-19. The PRow team is keen to have 'shovel-ready' schemes available should there be any money that needed to be spent quickly.

Meg Booth had been appointed as the Chief Officer for Highways, Infrastructure Development and Waste.

A key priority is health and safety and the new DCC highway framework contractor,

Skanska, is involved in sharing good practice.

The Chair mentioned concerns that had been raised by Andrew Cox, DCAF member, and Philip Hackett following the Development Management Committee meeting. At this meeting one of the recreational trail applications for Meeth had been approved and the other had been deferred, despite a request by the DCAF that the two should be considered as a whole. At Hole Station on the Ruby Way, the application had also been deferred in order for an alternative route to be investigated. Philip Hackett of the BHS had expressed concerns about safety for access users should the alternative route, primarily on-road, be the final preferred option. Ros Mills, DCC, confirmed that the PRoW team can input to design elements but the final decision was up to committee members with advice from officers. She suggested, and it was agreed, that the best approach would be for Mr Cox and Mr Hackett to write to the Head of Planning, Transportation and Environment.

Action: Forum Officer to respond to Mr Cox and Mr Hackett.

10. Presentation by Natural England

Jane Beech and David Trump, Lead Advisers on Coastal Access at Natural England were welcomed to the meeting.

Jane Beech, Natural England, updated members on stretches of the England coast path already assessed. Objections and representations on the Lyme Regis to Kingswear section had been received and sent, together with comments by Natural England, to the Planning Inspectorate and Defra. Minehead to Combe Martin (Exmoor) proposals had been published in June and representations and objections, together with comments from Natural England, were also with Defra.

Jane Beech would be dealing with the coastal access process between Cremyll and Kingswear and David Trump had responsibility for the stretch between Combe Martin and Marsland Mouth. A number of sites had been identified by the South West Coast Path Association; Mark Owen, the SWCP Officer; DCC and the Ramblers. These presented areas for discussion and possible issues and opportunities.

In south Devon one of the main considerations would be estuaries. Under the Marine and Coastal Access Act 2009, there is no requirement for the trail to extend up any estuary further than the seaward limit of the estuarial waters, but Natural England has a discretion to propose that the trail should extend as far as the first bridge, over which there is a public right of way or right of access. Natural England would be looking at criteria such as the character of the estuary, the presence of year-round ferries, recreational benefits and the nature and extent of excepted land to make their decisions.

A number of sites have been identified:

1. Estuaries

- River Yealm. There are a number of considerations as the ferry crossing the Yealm is seasonal with limited hours.
- River Erme. Here the estuary has to be waded across at low tide.

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- River Avon. The ferry is seasonal with limited hours but an Avon estuary walk already exists.
- 2. *Routes that could potentially be more seaward or off-road.*
Possible locations where this could be the case include Cellar Beach, Prawle Point and Stoke Fleming.
- 3. *Routes affected by tidal high water or coastal erosion.*
These could include Meadowsfoot Beach, Hallsands and Beesands.
- 4. *Coastal margin matters.*
Bantham Ham and Burgh Island had been identified.
- 5. *Permissive access.*
The route along Slapton Sands is currently a permissive route.

David Trump outlined a similar set of considerations in North Devon between Combe Martin and Marsland Mouth.

1. *Routes that could potentially be more seaward or off-road, balancing the requirement for views and land slippage concerns.*
Locations identified are Sandhole Cliff; Penhill Point; Shag Point; Putsborough Sands; Home Farm Marsh (see below) and Fremington Rock.
2. *Coastal margin and excepted land matters.*
Chivenor; Clovelly (Hobby Drive); Hartland Point; Ilfracombe Tunnels; The Warren and Watermouth Cove; Lantern Hill; and Saunton Sands/Braunton Burrows.
3. *Permissive access.*
Home Farm Marsh currently has permissive access rights and joins the South West Coast Path.
4. *Dealing with unclear routes and road/river crossings.*
Locations where a need for resolution had been identified included Combe Martin; Chesil Cliff House & Saunton; Horsey Island; Instow; Appledore; and Barnstaple.

It was noted that a route at Home Farm Marsh, more seaward, is currently a permissive path joining the SWCP and excluded dogs. Natural England confirmed that this restriction could potentially continue and would be discussed with the landowner as part of overall England Coast Path negotiations.

Concerns were raised about the lack of accessibility to ferries. Natural England was asked to consider sections which mobility scooters could access. Earth bunds in car parks or at beach entrances also restricted access.

Natural England would be having detailed desk top review meetings with DCC.

Initial letters to landowners in South Devon would be sent out in November/December and in December/January to those in the north of the County.

It was resolved to establish a working group to look at a response. Simon Clist; Gordon Guest; Tony Inch; Sue Pudduck and Sarah Slade offered to participate.

Action: Forum Officer to arrange a date.

11. To note and approve responses to consultations

11.1 Coastal access - Lyme Regis to Kingswear. Response to Natural England

The response was noted and approved.

11.2 Running Free (consultation on preserving the free use of public parks) - Department for Communities and Local Government

The response was noted and approved. Government feedback would be forthcoming in due course.

11.3 Meddon Green Local Nature Reserve - North Devon Biosphere consultation

The response was noted and approved.

11.4 Local Plan modification - North Devon and Torridge District Councils

The response was noted and approved.

11.5 BS5709 Gaps, Gates and Stiles - British Standards Institute

The response was noted and approved.

There had been concerns about the accessibility and clarity of the document. Sarah Slade, member of the BS expert panel, said the British Standard would set an aspirational standard for authorities who would like to make improvements or to anyone offering permissive access. It would be possible for authorities to authorise to British Standards except in respect of identified issues, for example not to the required gradient or ground conditions. It was hoped achievable standards would be made clear in the final version. DCC raised concerns about unnecessary bureaucracy in general and in particular if the BS priority lists were assumed to be mandatory rather than guidance, resulting in objections to proposed orders. DCC noted that the BS did not apply retrospectively.

12. Current consultations

There were no outstanding consultations.

13. Disability access

13.1 DCAF disability access position statement

After discussion it was agreed to adopt the position statement, subject to inclusion of a reference to signposting to alternative, reasonable routes and

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some typographical corrections.

It was confirmed there is a maximum width of 85 cm for Class 1-3 mobility vehicles, as laid down by the DVLA, but length is not regulated.

13.2 Disability access at Sidmouth and the South West Coast Path

The disability access report on Sidmouth was noted and approved. Gordon Guest was thanked for his hard work in compiling the report on behalf of the DCAF. DCC had been very pleased to receive the report and had subsequently been in contact. Some revised drawings, including short ramps, had been done and further consultation would take place with partners involved in the Alma Bridge replacement, such as the Town Council and Environment Agency. A planning application would be submitted in due course.

13.3 Disability access at Dawlish

A request had been received from an officer at Teignbridge District Council to discuss disability access with the DCAF at the new Sustainable Accessible Natural Green Space (SANGS) in Dawlish, following comments from members of the public. The purpose of the SANGS site is to reduce recreational pressure on designated sites such as the Exe Estuary but no surfaced paths had been put in place. It was agreed a visit would be useful and Simon Clist, Chris Cole, Gordon Guest, Jo Hooper and Sarah Slade offered to attend.

Action: Forum Officer to make arrangements.

14. Deregulation Act 2015

The regulations to accompany the legislation were not yet in place and no implementation date had been set.

15. Any other business

1) Neighbourhood Plans

It was agreed that the position statement on Neighbourhood Plans should be sent out at an earlier planning stage, rather than at the later consultation phase.

Action: Forum Officer

2) Verges

Chris Cole raised the problem of highways tipping residues on verges and the subsequent spread of himalayan balsam onto public rights of way and into water courses. This often proved to be an impregnable barrier. Previously such deposits were taken to a disposal site.

It was agreed verges were important from the landscape and biodiversity perspective and that herbicides were not the answer.

It was agreed to write to Meg Booth, Chief Officer for Highways Infrastructure, Development and Waste.

Action: Forum Officer to send round a draft for agreement.

16. Date of next meeting

The next meeting would be on Thursday, 25 January, 10.00 a.m. The venue would be confirmed. It was agreed a speaker from the Devon Health and Wellbeing Board would be useful. Ash Dieback would be on the agenda.

DRAFT

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