



**Devon Countryside Access Forum**  
Lucombe House  
County Hall  
Topsham Road  
EXETER EX2 4QD

**Tel: 07837 171000**  
**01392 382084**

[devoncaf@devon.gov.uk](mailto:devoncaf@devon.gov.uk)

[www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

## **Forty-Seventh Public Meeting Devon Countryside Access Forum**

**Devon Travel Academy, Westpoint, Clyst St Mary, Exeter EX5 1DJ**

**Thursday, 27 April 2017 at 10.00 am**

The meeting will be open to the public in accordance with provisions of reg.7 of The Local Access Forums (England) Regulations 2007 (under s 94 and 95 of the Countryside and Rights of Way Act 2000).

### **A G E N D A**

1. Introductions and welcome to new members
2. Apologies
3. Declaration of interests
4. Election of Chair and Vice Chair
5. Minutes of the Forty-Sixth meeting held on 26 January 2017 (Pages 1 - 10)
6. Matters arising
  - 6.1 Dog advice
  - 6.2 Correspondence log - Mid Devon
7. Correspondence log (Pages 11 - 12)
8. DCAF member attendance at events/meetings
  - 8.1 Disability access at Dawlish Warren. To note and approve letter. Feedback from visit on 13 April. (Pages 13 - 14)
  - 8.2 Other meetings

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CROW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.

9. Minutes of the Public Rights of Way Committee held on 2 March 2017 (Pages 15 - 22)
10. Public Rights of Way update
11. To note and approve responses to consultations or advice given and any feedback
  - 11.1 List of Streets (Pages 23 - 24)
  - 11.2 Revised draft Charging Schedule and Regulation 123 List consultation - North Devon Council (Pages 25 - 26)
  - 11.3 Revised draft Charging Schedule and Regulation 123 List consultation - Torridge District Council (Pages 27 - 28)
  - 11.4 Buckfastleigh Neighbourhood Plan (Pages 29 - 30)
  - 11.5 Greater Exeter Strategic Plan - Issues (Pages 31 - 32)
12. Current consultations
  - 12.1 Coastal access report - Kingswear to Lyme Regis (Pages 33 - 40)

Presentation by Richard Andrews, Senior Adviser, Coastal Access (Devon, Cornwall and Exmoor), Natural England. Questions and discussion. See report [here](#)
13. To consider and approve draft disability access position statement (Pages 41 - 42)
14. Work Plan (Pages 43 - 44)
15. Training Day
16. National LAF Conference
17. Dates of meetings 2017-18
18. Any other business

Notice of questions from the public should be submitted in writing four working days before the Forum meeting. At the discretion of the Chair members of the public may be invited to ask a question or make a statement.



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Tel: 07837 171000  
01392 382084

[hilary.winter@devon.gov.uk](mailto:hilary.winter@devon.gov.uk)

[www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

Minutes of the Forty-Sixth Public Meeting  
of the Devon Countryside Access Forum (DCAF)  
held at Stover Country Park, Newton Abbot  
Thursday, 26 January 2017

## **Attendance**

### **Forum members**

Chris Britton (Vice Chair)  
Sean Comber  
Gordon Guest  
Cllr Jim Knight  
Laura Leigh (Chair)  
Sarah Slade

Simon Clist  
Mike Green  
Christine Ingram  
Linda Lee  
Mark Simpson  
Ted Swan

### **Devon County Council Officers and others present**

Judith Carter, Lymestone Trail Action Group  
Helen Clayton, Public Rights of Way Senior Officer, DCC  
Ros Mills, Public Rights of Way Manager, DCC  
Richard Weymouth  
Hilary Winter, Forum Officer, DCC

1. **Apologies** had been received from Chris Cole, Sue Pudduck, Cllr Philip Sanders and Ellie Wonnacott.
2. **Declarations of interest**  
No specific declarations were made.
3. **Minutes** of the meeting held on 13 October 2016 were agreed and signed.
4. **Matters arising**
  - 4.1 **Dog advice**  
The dog advice article had been submitted to the local press in January. It was noted there was an increase in sheep worrying, with many incidents being unreported as not all police forces publish figures. It was resolved to produce an additional press item on lambing and dogs.

Providing separate areas of land for dog walking was discussed and it was concluded this was more easily achievable by bodies such as the Forestry Commission or National Trust, or as part of new developments. Decoy Country Park and Cranbrook were examples. Dog owners should be made aware that dogs could get lost if not under control.

The Forum Officer confirmed that the Kennel Club and other dog groups had been circulated with details of DCAF membership vacancies.

**Action:** *Forum Officer to prepare draft press statement on lambing and dogs.*

#### 4.2 Budleigh Salterton to Otterton river path

The Public Rights of Way Warden had commissioned some new, easily openable gates for the lower path. Ros Mills would advise the DCAF when these were installed. It was clarified that the reference to expense in the minutes referred particularly to any improvements to the route at Otterton.

**Action:** *Ros Mills to advise when the work was complete.*

#### 4.3 Stover Park – Heritage Lottery Fund bid

The bid had been unsuccessful but the HLF had agreed to a meeting to discuss a revised submission.

#### 5. Correspondence log

This was noted. Attention was drawn to item 2 and the response from Abbotskerswell Neighbourhood Plan Group. Forum members were pleased to note that the Plan had been checked against the Forum position statement. The lack of proposals for bridleways/multi-use routes was noted but this aspect had presumably not arisen during public consultation.

Item 12 referred to the Dawlish Warren Beach Management Scheme and the incorporation of new sand to increase the beach area. Gordon Guest said the kissing gates approaching Dawlish Warren were not wheelchair accessible and it was agreed to raise this matter with Teignbridge District Council.

**Action:** *Forum Officer to write to Teignbridge District Council to encourage installation of accessible gates.*

The Forum was pleased that its revisions had been incorporated in the Mid Devon Local Plan (item 18). It was agreed the glossary definitions of recreational trails and rights of way could be improved and this matter was delegated to the Forum Officer.

**Action:** *Forum Officer to respond to the consultation suggesting glossary revisions.*

Simon Clist, (who currently Chairs the Hemyock Commons Management Group), said that the references to open access restrictions at Hemyock (correspondence log items 9, 10, 19 and 20) should more accurately refer to Hemyock Turbary rather than Hemyock Common. The Forum Officer said this was a matter to take up with Natural England.



East Devon District Council was consulting on Public Spaces Protection Orders to supersede existing Dog Control Orders (item 21). These were at specific sites and DCAF members from East Devon might wish to respond as individuals. It was hoped the new Orders would be clear to the public.

## 6. Public questions

Judith Carter of the Lypstone Trail Action Group recapped on the paper presented to the Forum and requested continued support. Her concerns were discussed.

Members made suggestions for sources of potential funding and support;

- seek Locality funding through the County Councillor, post May 2017 elections;
- write to the Minister responsible for disability issues as the Exe Estuary Trail is a useful access route for disabled people;
- write to DCC's School Transport Committee if pupil safety is an issue; and
- contact the district council planning officer concerning Community Infrastructure Levy money and TAP (town and parish) funding.

Judith Carter confirmed that the top priority was an off-road route. She agreed cobbles might reduce the impact but cost was a major problem. Ros Mills verified that promised remedial works by DCC to improve safety should be completed by the end of March and she would advise when a firm date was known.

*Action: Ros Mills to advise when works are to be carried out in the parish.*

## 7. Current consultations

### 7.1 Defra 25 Year Environment Plan Framework

This had not been published.

### 7.2 Torridge and North Devon District Councils. Consultation on the Community Infrastructure Levy and Regulation 123 List.

The consultation was explained and attention drawn to access related projects that could be funded through the Community Infrastructure Levy namely: provision/ enhancement of footpath and cycleway linkages between existing settlements and strategic green space/Tarka Trail; a Country Park north of Barnstaple (North Devon) and provision of strategic green spaces and walking/ cycling linkages within settlements (Torridge). The importance of the Tarka Trail was noted.

It was agreed to send letters of support for the Regulation 123 Lists and to forward a copy of the disability access position statement when this had been finalised.

*Action: Forum Officer to send letter of support.*

## 8. To note and approve responses not otherwise on the agenda and to discuss feedback.

### 8.1 Plymouth and South West Devon. Joint Local Plan feedback

Contents of the feedback responses were noted and in particular the consultant's

response to the landscape and seascape consultation (Paper 4b) which superseded the response to that document from the Green Infrastructure Officer (Paper 4a).

Concern was expressed that the district councils had no responsibility for the management of public rights of way and that the lead role was also not with landowning/managing organisations. There was the danger that the Plan would raise expectations that could not be realised.

It was noted any upgrading of gates for accessibility as part of specific projects would need to be carried out in consultation with landowners.

**Action:** *Forum Officer to draft response letter.*

## **8.2 Draft Exe Estuary Management Plan 2016-2021**

The response was noted and approved. It was agreed future responses should include reference to both wheelchairs and tramper buggies as expectations were different.

The final Exe Estuary Management Plan would be launched at the Winter Forum meeting on Tuesday, 7 February. Gordon Guest agreed to attend.

The Forum Officer was asked to ascertain whether the final Plan would be out for consultation and if the DCAF's advice had been incorporated.

**Action:** *Forum Officer to contact the Exe Estuary Partnership Officer about the contents of the Management Plan. Gordon Guest to attend Winter Forum.*

## **8.3 Planning application DCC/3904/2016 – Friars Hele north to Meeth**

The response was noted and approved.

The application would not be going to the Development Management Committee this financial year. Gordon Guest said the gates on the spur to Meeth were not fully accessible. Ros Mills, DCC, confirmed that there was no intention to shut the spur, an important link to Meeth.

## **8.4 Public question from Mr Cox. DCAF response.**

The response was noted and approved.

## **8.5 Trail application process**

### **8.5.1 DCAF letter to the Public Rights of Way Manager**

The response was noted and approved.

The contents of the DCAF letter to Mrs Mills had been put on the agenda for the forthcoming DCC multi-use trail meeting which included representatives from the design team, planning, public rights of way and funding. Most decisions were not taken within the PROW team. The Planning Development Manager had been invited. No additional items were suggested by the Forum for the agenda.

The Chair expressed concern that the meeting had been delayed and emphasised



the importance of proper process and regular meetings. Ros Mills agreed to convey this to the meeting. The DCAF requested feedback.

Ros Mills said it was difficult to implement some aspects of multi use due to legal definition, funding and maintenance issues. Agreement with landowners was sought and everyone needed to be fully involved.

It was agreed that many projects were aspirational. Provided the process was right, with interaction through consultation and feedback, there would be understanding if the outcome was not achievable.

It was noted that the definition of multi-use was unclear and in some authorities included carriage driving. The National LAF Conference would be a good place to raise this issue.

**Action:** Ros Mills to feedback to the Forum following the multi-use meeting.

## **8.5.2 DCAF letter to the Principal Planning Officer**

The response was noted and approved.

## **8.5.3 DCAF Chair's email to the Principal Planning Officer and response**

The email from the Chair was noted and approved.

It was noted that the two applications for Meeth would be considered as a package. It was reiterated that the process needed to be transparent.

## **8.6 Tourism and marketing of disabled access. Letter to the Chief Executive of Devon County Council.**

The response was noted and approved.

Ros Mills said the letter had been most welcome. The recent National Highways Survey report had highlighted that DCC could improve promotion of disabled access on cycleways and other routes. She had forwarded the DCAF letter in response to a query on this matter.

## **9. DCAF attendance at meetings**

### **9.1 P3 events**

Chris Cole had attended the event at Budleigh Salterton.

### **9.2 National Off-Road Vehicle workshop**

Sarah Slade had attended the workshop on 17 November in her capacity as CLA National Access Adviser. Representatives from opposing groups had been present and Pippa Langford, Natural England, had chaired the meeting. There was little likelihood of legislative change but the group had agreed to form four sub-groups, working through email:

1. Traffic Regulation Orders. To discuss how these can be better implemented and share best practice as authorities often face costly challenges when TROs are proposed.



2. Standards, funding and maintenance of routes to include byways, unclassified, unsurfaced County roads (uUCRs) and green lanes.
3. Illegal and inappropriate use. To discuss these different problems and ensure better use.
4. The status of uUCRs. To seek better clarification of their status post the cut-off date in 2026.

If agreement between different groups can be secured, Defra would be willing to take this forward. It was hoped another meeting will be convened to discuss further steps.

Ros Mills, DCC, confirmed Richard Broadhead was chairing the Standards Sub-Group on behalf of the Adept Group (local authorities) and had requested examples of best practice. He had been sent details of the Trail Riders' Fellowship work for Devon County Council plus the TRF reports on the economic and health impacts. Different local authorities had varying views on uUCRs.

## **10. Minutes of the Public Rights of Way Committee held on 24 November 2016**

The Minutes were noted. Although receiving a brief written mention, the DCAF minutes always raised interesting issues for discussion at the PROW Committee meeting.

## **11. Public Rights of Way update**

Ros Mill, Public Rights of Way Manager, and Helen Clayton, Public Rights of Way Senior Officer, DCC, provided an update.

### **11.1 Restrictive covenants.**

Ros Mills sought clarification on the matter of restrictive covenants, mentioned in the last minutes. It was confirmed that it would be useful to flag up early on if a restrictive covenant was likely so that alternatives, if available, could be explored. It was important that the process was clear about why a particular route was taken. Members appreciated that DCC could not share information at too early a stage due to delicate negotiations with landowners and that there had to be trust in the process.

### **11.2 Auditing the List of Streets**

Following the paper sent by the British Horse Society about the List of Streets, the Assistant County Solicitor had confirmed the process in Devon. When DCC receives a request to amend the List of Streets in any way (addition/modification/deletion) Devon Legal Services will get involved. DCC will review/require evidence to be submitted in support of the proposed change. The evidence is considered and DCC carries out appropriate consultation with property owners likely to be affected and the local highway officer. DCC also consults town and parish councils. If the matter is particularly contentious a report will be taken to members for approval. It has never been DCC's practice to include and replicate on a non-definitive map source those public rights of way that are shown on a definitive map and statement.

Members were given to understand that the List of Streets should include Public Rights of Way, even though this had not been DCC's policy.



Helen Clayton confirmed that there had been an initiative previously to record some uUCRs on the Definitive Map and Statement as Byways Open to All Traffic, but this attracted objections and the initiative was discontinued. Those BOATS are now recorded on both the List of Streets and the Definitive Map. If routes shown on the LoS are legally downgraded, through a Stopping Up Order with reservation of a lower status, e.g. footpath or bridleway, there is no reason for these to be removed from the List of Streets as they would remain maintainable at public expense, and would also be recorded on the Definitive Map as the stopping-up would constitute a legal event.

If vehicular rights are restricted by a Traffic Regulation Order (TRO) the route would remain on the List of Streets but it would not be shown on the Definitive Map as a TRO does not constitute a legal event (the restriction may be temporary).

It had been suggested that the Forum seek information on the number of routes removed from the List of Streets since 1988 but this would be too large a task.

Devon County Council has agreed to a Changing Lanes Strategy, a review of the maintenance categories for routes. During the course of pilots some issues emerged such as maintenance of the deteriorating surface, live traffic and understanding the best legal process to limit types of use. Identifying the budget for maintenance of this additional network by the Public Rights of Way team and the role of parish volunteers were also considerations. Money received through the Challenge Fund (Department for Transport) will assist. The change will be of benefit to walkers, riders, carriage drivers and motorbike users but further work is required on the policy. This would not affect the List of Streets.

A discussion took place on the accessibility of information on the List of Streets. Helen Clayton confirmed that there is a map which is being digitised. The public could ask to see the current map at no charge though charges were made for legal Land Search enquiries. Members agreed the continuation of free access to information in the light of 2026 was important.

Nationally discussions were taking place between Geoplace and the National Street Gazetteer to have one map, an ambitious project. The Definitive Map is however a legal record. Helen Clayton had been asked to represent Adept at these meetings. The National Street Gazetteer was intended for use by utility companies.

The 2026 cut-off date meant there would be more pressure to clarify what is on the List of Streets and the Legal Team was likely to experience more requests.

Many authorities had no transparent process for their List of Streets which potentially resulted in difficulties for landowners and access users.

Members were content that DCC had a viable process and agreed to send letters to the British Horse Society explaining the Devon procedures and to the Assistant County Solicitor making recommendations.

**Action:** *Forum Officer to draft and circulate letters.*



## 11.3 Public Rights of Way Committee

This would be held on 2 March. Five parish proposals were being taken to Committee.

## 11.4 Budget

A standstill budget had been agreed for 2017-18 for Public Rights of Way. Wardens were doing much useful work.

## 12. Disability access position statement.

The document presented to the DCAF was discussed. It was resolved that the position statement should not be too detailed but instead be generic with links to additional information, in line with the Forum's other position statements. It was agreed a balance had to be achieved between access requirements and land management criteria.

It was noted that tramper buggy users were in a different league and could cope with rough ground and more difficult gradients but users found gates and latches challenging; minor changes could often address these issues.

It was agreed it would be useful to make reference to the Natural England gate trial held in Yorkshire.

The target audience for the position statement should be all those involved in early planning stages, including those managing the land.

Photos of good practice could be uploaded to the DCAF website with a link in the statement.

It was resolved to send a draft for agreement by members, to be ratified at the April meeting.

*Action: Forum Officer to draft statement.*

## 13. DCAF publicity

The Forum Officer confirmed that she still had to update the DCAF presentation. She had attended a social media course and could use the DCC sites to convey information to the public. Separate DCAF social media sites were an option on offer but it was agreed there was probably insufficient material to warrant this and maintain interest.

Organisations with an interest in access always received information about DCAF recruitment.

Devon County Council would be at the County Show and there was the option for the DCAF to participate as a partnership organisation, although Public Rights of Way would not have a stand for staffing reasons. Helen Clayton, DCC, would be prepared to support the Forum should it wish to do this. It was agreed it was important to ensure the independence of the DCAF's advice was recognised. The Forum undertook to consider this option.



Other suggestions for DCAF publicity included an A4 poster; links from parish council websites; copying in a member of the parish council to any communications as well as the clerk; and using the tourist agenda to promote the DCAF, for example through VisitDevon. These possibilities would be explored.

**Action:** *Forum Officer to progress.*

#### 14. Meeting dates for 2017

These were agreed – Thursday, 27 April and Thursday, 12 October.

#### 15. Membership 2017

The Forum Officer confirmed that details about membership had been circulated to a range of organisations, parish and town councils and through social media and the press.

More members than usual were coming to the end of their three year term. Chris Cole, Sean Comber, Michael Green, Chris Ingram, Laura Leigh, Mark Simpson and Ted Swan were thanked for their invaluable contribution and grateful thanks were expressed to Laura for her three years as Chair and previously as Vice Chair. The commitment of the Forum Officer was noted and appreciation was expressed to DCC for its support and to the continuing presence of the Public Rights of Way Manager and Senior Public Rights of Way Officer at meetings. The Chair thanked Mike Green and Ted Swan for their input as they had decided not to seek re-appointment and said she was also unlikely to do so.

#### 16. National LAF Conference

The date was not confirmed but provisionally was 21 March in Birmingham. Chris Britton volunteered to attend.

It was agreed the proposed meeting of SW LAF Chairs would be useful to share best practice prior to the national conference if this could be facilitated. It was noted many LAF websites were not up to date.

**Action:** *Forum Officer and Chair to discuss and arrange meeting.*

#### 17. Training Day

A date would be arranged at the next meeting when new members would be present. It was suggested and agreed a health theme would be useful and a representative from the DCAF's neighbouring LAFs would be invited.

#### 18. Any other business

##### 18.1 Disability access

Gordon Guest said the Natural England gate trial in Yorkshire had raised many issues. He suggested the DCAF explore a conference or workshop in 2018 to which other interested parties could be invited.

**Action:** *Forum Officer to explore options and funding.*



## 18.2 National Trail funding

Ros Mills, DCC, said Natural England had not yet released details of funding for the South West Coast Path for 2017-18 and this was a concern as any reduction would impact on standards of the SWCP and for the rest of the PROW network. The national steering group for National Trails was lobbying the Minister and additional support might be required. (The day following the meeting, funding for the National Trails was confirmed at 2016-17 levels and this news was very much welcomed).

## 18.3 Coastal Access

Natural England's report on the Lyme Regis to Kingswear stretch would be published in the spring.

## 19. Stover

Jon Avon, Stover Country Park Manager, gave a brief summary of the Park's current situation and plans for the future.

Stover Country Park is 114 acres in size with approximately 300,000 visitors per year. It comprises a mixture of grassland, heathland, marshland, conifer, broadleaved woodland and lake habitats and is a Site of Special Scientific Interest with twenty dragonfly species and fourteen bat species. The Templer Way and Wray Valley Trail went through the Park and it had a Ted Hughes poetry trail.

Stover hoped to secure Heritage Lottery funding to develop its ten year vision, created by the Park and seven major landowners including Imerys and Sibelco. 50% of proposed development in the Teignbridge District would be in the Newton Abbot area and 600,000 people currently live within 30 minutes drive. 3000 schoolchildren visit the site and 6500 volunteer hours are given each year. The vision, subject to funding, would increase the size of the Park, restore the lake and four historic buildings; the gatehouse, bridge, temple and 1779 stables, and increase community involvement, education and interpretation. There were plans for a Canadian Forestry Corps memorial and refreshment facilities.

Car parking was introduced at Stover in 2010 and provides an income stream. The road to Newton Abbot is being widened and a new entrance will be needed as part of these plans.

Members had a walk and discussion around the Park and learnt more about recreational access opportunities at the site. Jon Avon was thanked for his time.

# Agenda Item 7

**Devon Countryside Access Forum**  
**CORRESPONDENCE RECEIVED**  
(not specifically on agenda)  
Available to view on request

	<b>Sender</b>	<b>Subject</b>	<b>Action and any feedback</b>
1	Marine Management Organisation Jan. 2017	Draft South Marine Plan consultation	Generic policies. Predominantly off-shore. A few policies on tourism, recreation and access. No response made.
2	Torrige District Council 13.01.17	Consultation on the draft Traveller Site Assessment Methodology; Call for Potential Traveller Sites.	Outside remit.
3	Exmoor National Park 16.01.17	Consultation on Main Modifications to the Local Plan and Consultation on Proposed Changes to Section 6 of the Local Plan.	For Exmoor Local Access Forum to respond.
4	Land Charges DCC 30.01.17	Application by Noss Mayo Parish Council to register area of land as a village green under the Commons Act 2006 section 15(8) and in accordance with the Commons Registration (England) Regulations 2014. (Land adjacent to the car park in Noss Mayo)	Noted.
5	Department for Communities and Local Government 13.02.1	Fixing our Broken Housing Market.	Focus on Green Belt and housing policy. Reference made to the forthcoming 25 Year Environment Plan and this will be a document for the DCAF to comment on in relation to green infrastructure and development.
6	Devon County Council 21.02.17	<p>Devon Minerals Plan 2011-2013 adopted by Devon County Council on 16.02.17. This supersedes the saved policies of the Devon County Council Minerals Local Plan (2004).</p> <p>The Devon Minerals Plan provides the policy framework for mineral development during the period to 2033, including maintaining the supply of minerals, the safeguarding of mineral resources and protection of Devon's communities and environment from adverse impacts.</p> <p>The adopted Plan, together with its Policies Map and adoption statement, are available <a href="#">online</a>.</p>	Notification only. No action required.

# Agenda Item 7

7	Teignbridge District Council 27.02.17	Public Consultation on the draft South Hams Special Area of Conservation Mitigation Strategy for the Heart of Teignbridge and Bovey Tracey.	Bat focussed. No recreational access implications.
8	Teignbridge District Council 27.02.17	Public Consultation on the NA1 Houghton Barton Draft Development Framework Plan (Newton Abbot).	In consultation with the Chair, the planning position statement was sent. Reference was made to the dogs in new developments publication. Given the proximity to Stover Country Park the importance of linking development to public rights of way to access the Country Park was highlighted. This would improve overall accessibility to greenspace and increase potential health benefits.
9	Plymouth City Council 15.03.17	Plymouth and South West Devon Joint Local Plan consultation. Pre-submission Regulation 19 consultation.	The DCAF commented on earlier drafts. Responses to this consultation are required to deal with soundness and conformity to the National Planning Policy Framework. No response. A couple of definition problems around Public Rights of Way were referred to the Public Rights of Way team for response.
10	Defra 21.03.17	Consultation on landing egg-bearing lobster and crawfish.	Outside remit.
11	East Devon District Council 22.03.17	East Devon Villages Plan. Proposed submission plan.	Defines the Built-up Area Boundaries for a number of settlements in East Devon. Mapping exercise to determine development area. Outside remit.
12	Exe Estuary Partnership 23.03.17	Public Consultation: Review of Zonation and Codes of Conduct on the Exe Estuary  Proposal for two voluntary exclusion zones at Dawlish Warren and at Exmouth. The purpose is to protect internationally important and designated bird population areas. The voluntary exclusion zones will be accompanied by specific codes of conduct for different activities.	The Forum Officer attended a workshop for dog walkers on the exclusion zones. The foreshore/ sand/mud area zones are, however, aimed at all users including water-based activity and crab tiling, shell fishing and bait collection. The exclusion would apply to all activities and it is therefore difficult for the DCAF to comment.  The Codes of Conduct are not yet available for consultation. There will be a specific one on dog walking.

*In addition the DCAF Forum Officer receives a large quantity of e-mail updates from Devon County Council and other organisations. Relevant information is extracted and circulated to DCAF members via regular newsletters or forwarded direct.*



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Resorts Department  
Environment & Leisure Services  
Teignbridge District Council  
Forde Road  
Newton Abbot TQ12 4AD

8 February 2017

Dear Sir/Madam

## **Dawlish Warren**

The Devon Countryside Access Forum met last week. One of the items on the correspondence log was the consultation on the Dawlish Warren Beach Management Scheme that had been carried out by the Environment Agency which, the Forum understands, will replenish the beach and increase the area for people to enjoy. Members of the Forum agreed that a letter should be sent to Teignbridge District Council to request that the gates approaching the Warren are made more accessible for people with wheelchairs and tramper buggies who wish to access the beach and enjoy it, often as part of a family or group outing. The Forum welcomes current accessibility to the main seawall and visitor centre.

I attach a photograph indicating the difficulties the Forum's disabled access representative has experienced at Dawlish Warren. The Forum recognises there is a balance between improving access and ensuring illegal or anti-social activities do not take place but a larger kissing gate, or two way gate with a long handle and easy latches for opening, would be a great improvement and enable more people to appreciate this stretch of the coast. The Natural England gate trial, held in 2015 in Yorkshire, tested a variety of gates on different access user groups.

<http://publications.naturalengland.org.uk/publication/4580441024102400>

The summary and conclusions indicate the types of gate that are most suitable for those with disabilities and suggest two way 1.5m gates, preferably with a push plate and a long handle or trombone handle, are best. The DCAF can provide more information if required.

The Devon Countryside Access Forum is a statutory local access forum under the Countryside and Rights of Way Act 2000, with a remit to give independent advice on

# Agenda Item 8a

Devon Countryside Access Forum 24.08.16



the improvement of public access to land for the purposes of open-air recreation and enjoyment. Its sixteen voluntary members represent land owners/managers, access users and those with other interests such as conservation and tourism.

The Forum looks forward to receiving your comments.

Yours faithfully

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Hilary Winter  
Forum Officer  
Devon Countryside Access Forum

*Letter sent on behalf of the Devon Countryside Access Forum*

*Chair: Laura Leigh  
Vice Chair: Chris*

## PUBLIC RIGHTS OF WAY COMMITTEE

2 March 2017

### Present:-

Councillors P Sanders (Chairman), J Brook, P Colthorpe, T Dempster, R Gilbert, J Knight and E Morse

### Apologies:-

Councillors A Eastman and G Hook

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### Minutes

**RESOLVED** that the minutes of the meeting held on 24 November 2016 be signed as a correct record.

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### Items Requiring Urgent Attention

(An item taken under Section 100B(4) of the Local Government Act 1972)

The Chairman had decided that at the request of the Chief Officer for Highways, Infrastructure Development and Waste the Committee should urgently consider a further direction from the Secretary of State as set out in the report circulated at the meeting.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Knight and

**RESOLVED** that the report be noted and that following the Secretary of State's direction in respect of item (a) in the report, a Modification Order be made adding the footpath shown between points I-J on drawing number HTM/PROW/14/144.

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### Devon Countryside Access Forum

The Committee received the draft minutes of the meeting held on 26 January 2017 and noted that the next meeting of the Forum would take place on 27 April 2017.

\* 25

### Parish Review: Definitive Map Review 2015-17 - Parish of Awliscombe, East Devon

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/6) and background papers examining a proposal arising from the Definitive Map Review in the Parish of Awliscombe.

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Gilbert and

**RESOLVED** that a Modification Order be not made in respect of Proposal 1 for the application to record a claimed Byway Open to All Traffic on Ivedon Lane in Awliscombe Parish.

\* 26

### Parish Review: Definitive Map Review 2016-17 - Parish of Clyst St George

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/7) and background papers examining two proposals arising from the Definitive Map Review in the Parish of Clyst St George.

It was **MOVED** in respect of (a) below by Councillor Gilbert and in respect of (b) below by Councillor Brook, **SECONDED** in respect of (a) below by Councillor Morse and in respect of (b) below by Councillor Knight, and

# Agenda Item 9

PUBLIC RIGHTS OF WAY COMMITTEE  
2/03/17

## RESOLVED

(a) that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath between points A–B–C as shown on drawing number HIW/PROW/17/06; and

(b) that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath between points D–E as shown on drawing number HIW/PROW/17/07.

\* 27

### **Parish Review: Definitive Map Review - Parish of East Down (Part 1)**

(Mr A Dunlop attended the meeting under the Council's Public Participation Scheme on behalf of Mr Berry of Honeywell Farm and spoke against this item.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/8) examining two claims submitted by the Trail Riders Fellowship in February 2006 in the Parish of East Down, one of which also affected Marwood Parish.

#### **(a) Proposal 1: Bridleway No. 22, East Down**

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Knight, and

**RESOLVED** that no Modification Order be made in respect of Proposal 1, as shown on drawing number HIW/PROW/16/38.

#### **(b) Proposal 2: Bridleway between County Roads at Bowden Corner and Whitefield Hill**

The County Solicitor confirmed that as the matter had not been considered at Common law on the basis of both documentary evidence and user evidence previously, it could properly be considered by the Committee today.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Knight, and

**RESOLVED** that a Modification Order be made in respect of Proposal 2 to modify the Definitive Map and Statement by adding a bridleway between points C–D as shown on drawing number HIW/PROW/16/39.

\* 28

### **Parish Review: Definitive Map Review 1997-2016 - Parish of Holcombe Rogus**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/9) on the Definitive Map Review for the Parish of Holcombe Rogus in Mid Devon District.

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Brook, and

**RESOLVED** that it be noted that the Definitive Map Review had been completed in the Parish of Holcombe Rogus and that Modification Orders were not required to be made.

\* 29

### **Parish Review: Definitive Map Review 2006-17 - Parish of Luppitt (Part 3)**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/10) and background papers examining proposals arising from the Definitive Map Review in the Parish of Luppitt in East Devon district.

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Brook, and

**RESOLVED** that Modification Orders be not made in respect of Proposals 20-24 for the applications to record claimed public footpaths in parts of Luppitt Parish.

\* **30**      **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/11) following decisions and directions received from the Secretary of State/High Court relating to Modification Orders:

(i) Schedule 14 Applications for addition of a footpath between the minor road, Old Mill, Combe Raleigh and its junction with Luppitt claims 12 and 14 (Combe Raleigh proposal 7/Luppitt proposal 13) between points O-P-Q on drawing no. HTM/PROW/14/82 – Appeal dismissed.

(ii) Schedule 14 Application for the addition of a footpath from the minor road, Wick Farm and minor road, Shaugh Farm (Luppitt proposal 14) between points T-Q-U on drawing no. HTM/PROW/14/82 – Appeal allowed in part.

(iii) Schedule 14 Application for the addition of a footpath from the minor road, Higher Wick Farm and the minor road, south of Woodhayes (Luppitt proposal 12) between points S-Q-R on drawing no. HTM/PROW/14/82 – Appeal allowed.

(iv) Schedule 14 Application for the addition of a footpath between Greenway Lane, Greenway Manor and minor road, Higher Shelvin, (Luppitt proposal 8) between points Q-R on drawing no. HTM/PROW/14/142 – Appeal dismissed.

(v) Restricted Byway No. 99, Bere Ferrers Definitive Map Modification Order 2015 as shown on drawing no. HTM/PROW/15/62 – Confirmed.

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Brook and

**RESOLVED** that the Report be noted and that following the Secretary of State's direction in respect of items (ii) and (iii) authorisation be given for Modification Orders to be made adding the footpaths, as shown between points S-Q-R and U-Q on drawing number HIW/PROW/14/82.

\* **31**      **Modification Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/12) of a Modification Order confirmed as unopposed under delegated powers in respect of Footpath No. 35, Combe Martin Definitive Map Modification Order 2016.

\* **32**      **Public Path Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/13) of Public Path Orders made and confirmed under delegated powers in respect of Diversion Orders:

(i) Footpath No. 6, Heanton Punchardon and Footpath No. 35, Braunton Public Path Diversion and Definitive Map and Statement Modification Order 2016

(ii) Footpath No. 3, Sampford Courtenay Public Path Diversion and Definitive Map and Statement Modification Order 2016.

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**  
The Meeting started at 2.00 pm and finished at 3.20 pm

# Agenda Item 9

**Agenda Item 3: Items Requiring Urgent Attention**

**Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

Since the agenda was printed three items have come forward requiring urgent attention, in particular with regard to item (a) which requires members' authorisation following a direction from the Secretary of State.

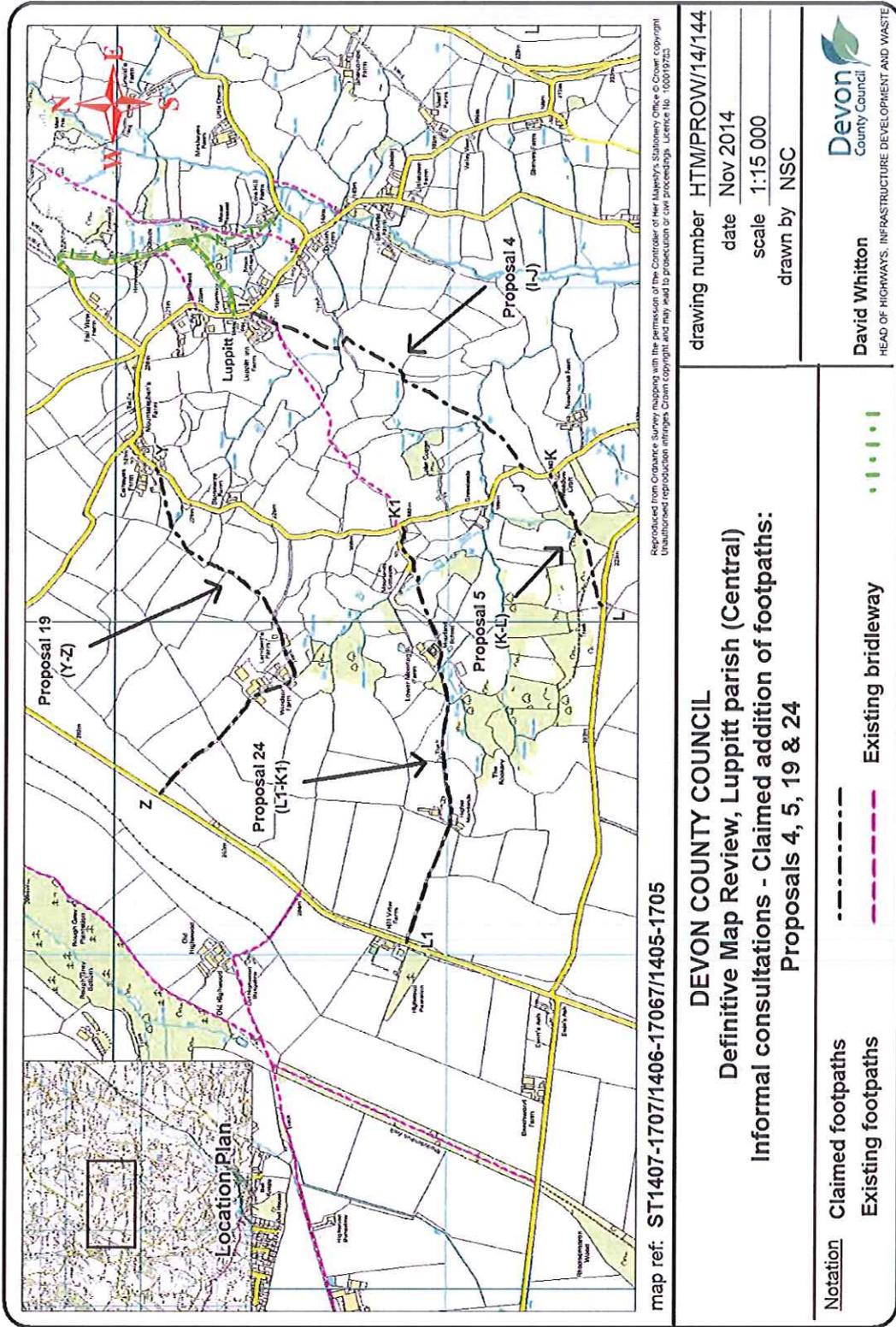
**Recommendation: It is recommended that the items be noted and, following the Secretary of State's direction in respect of item (a), that members give authorisation for a Modification Order to be made adding the footpath, as shown between points I-J on drawing number HTM/PROW/14/144.**

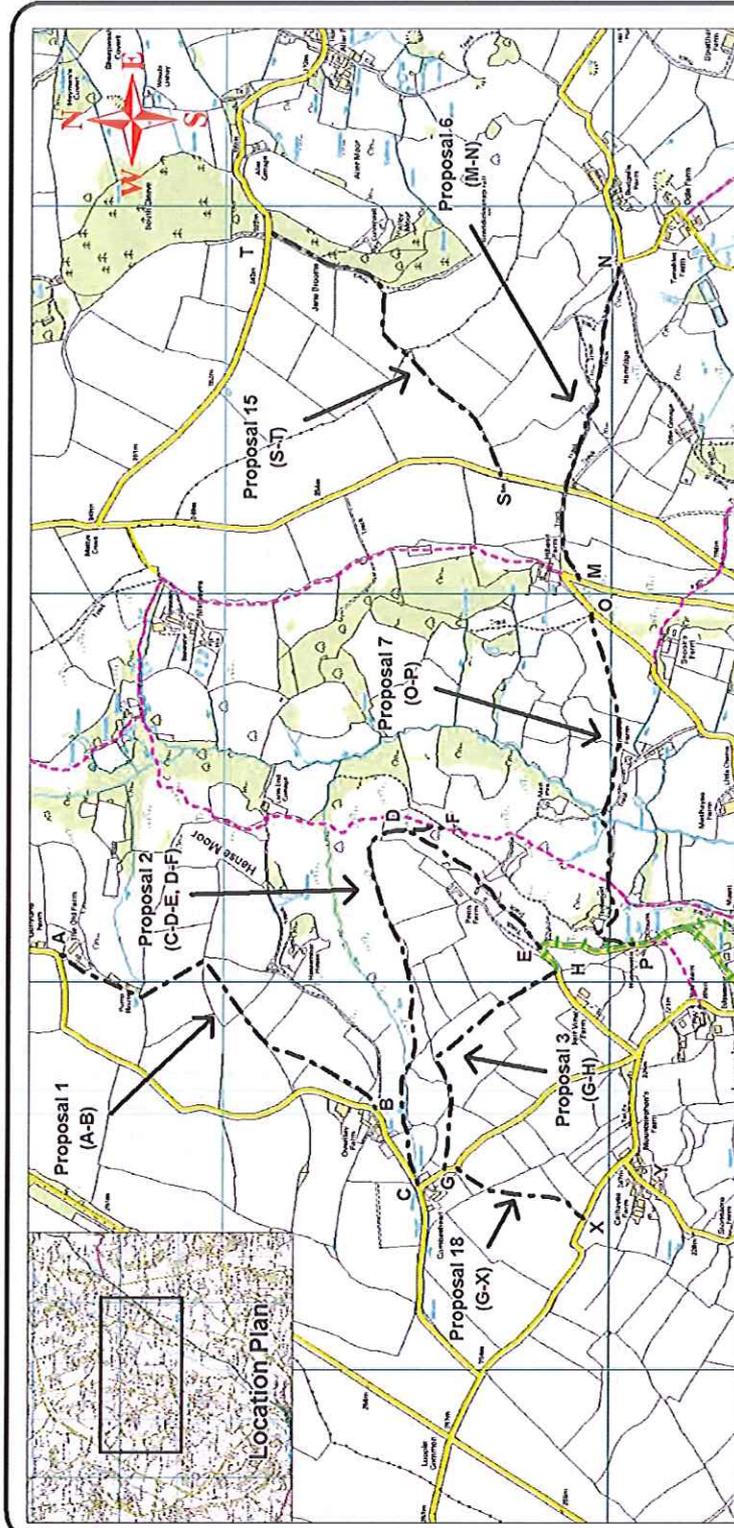
**Modification Orders**

Order/Schedule 14 Application	Decision/Direction
(a) Schedule 14 Application for the addition of a footpath between minor road, Luppitt village and minor road, north of Meadow Croft (Luppitt proposal 4) between points I-J on drawing no. HTM/PROW/14/144.	Appeal allowed: Applicant's appeal to the Secretary of State against Devon County Council's decision not to make an Order in respect of the application was allowed on 17 January 2017. Accordingly, the Secretary of State has directed the County Council to make an Order to add a public footpath as shown between points I-J on drawing no. HTM/PROW/14/144.
(b) Schedule 14 application for the claimed addition of footpath between minor road, Hillend Farm and Bridleway No. 9 via Footpath No. 14,(Luppitt proposal 7) between points O-P shown on drawing number HTM/PROW/14/141	Appeal dismissed: Applicant's appeal to the Secretary of State against Devon County Council's decision not to make an Order in respect of the applications dismissed on 8 February 2017.
(c) Bridleway No. 24, Chawleigh Definitive Map Modification Order 2015 as shown on drawing number HCW/PROW/14/146.	Confirmed, following the written representations procedure, on 24 <sup>th</sup> February 2017.

David Whitton  
Chief Officer for Highways, Infrastructure Development & Waste

**Electoral Divisions: Honiton St Paul's; and Newton St Cyres & Sandford**

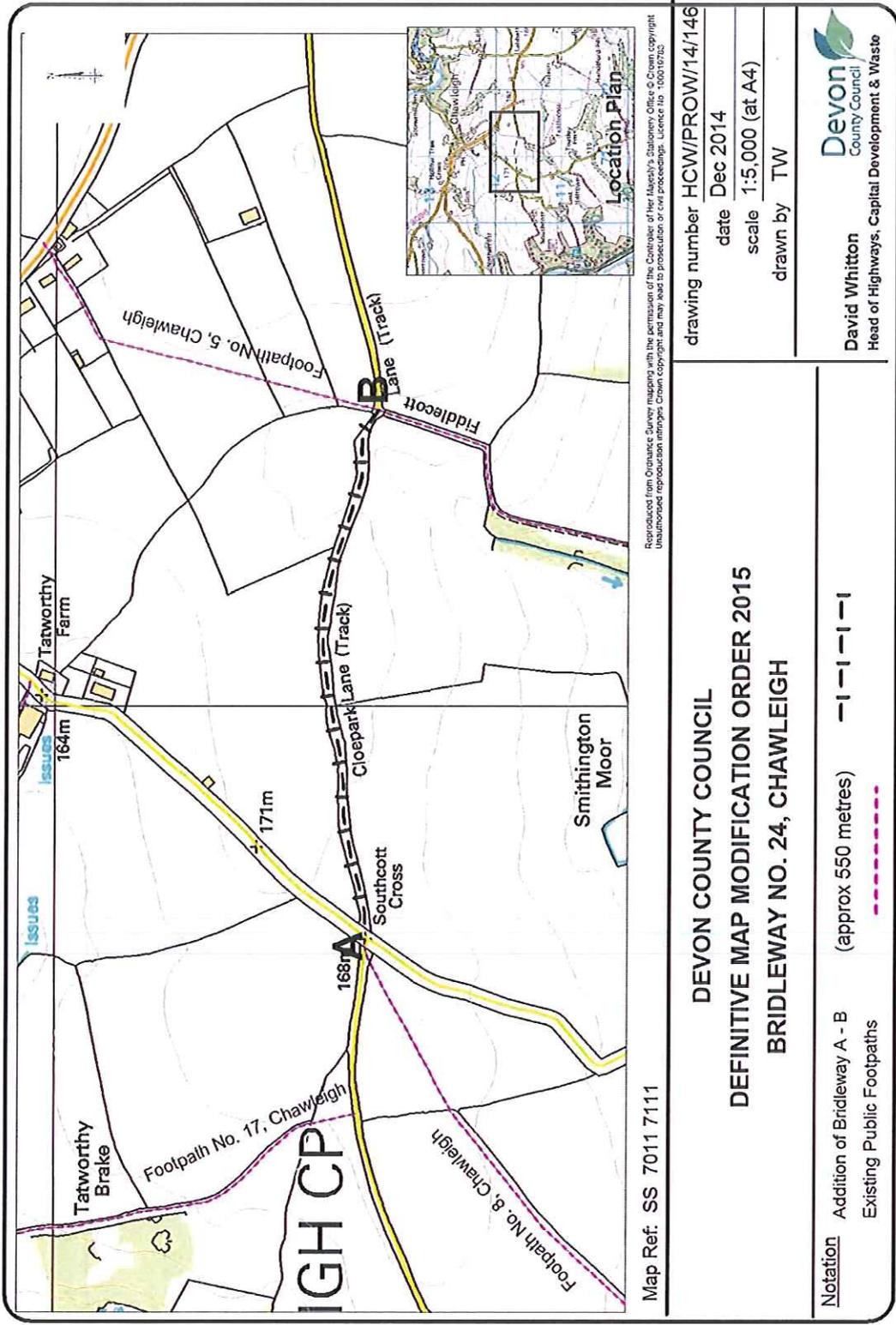




map ref: ST1508-1908/1507-1907/1506-1906

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<p><b>DEVON COUNTY COUNCIL</b>                  Definitive Map Review, Luppitt parish (North)                  Informal consultations - Claimed addition of footpaths:                  Proposals 1, 2, 3, 6, 7, 15 &amp; 18</p>		<p>drawing number <u>HTM/PROW/14/141</u>                  date <u>Nov 2014</u>                  scale <u>1:15 000</u>                  drawn by <u>NSC</u></p>
<p><b>Notation</b></p> <p>Claimed footpaths                  Existing footpaths</p>	<p>Existing bridleway</p> <p>Existing bridleway</p>	<p><b>David Whitton</b>                  HEAD OF HIGHWAYS, INFRASTRUCTURE DEVELOPMENT AND WASTE</p> <p><b>Devon</b>                  County Council</p>



Map Ref: SS 7011 7111

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**DEVON COUNTY COUNCIL**  
**DEFINITIVE MAP MODIFICATION ORDER 2015**  
**BRIDLEWAY NO. 24, CHAWLEIGH**

drawing number **HCW/PROW/14/146**  
 date **Dec 2014**  
 scale **1:5,000 (at A4)**  
 drawn by **TW**

**David Whitton**  
 Head of Highways, Capital Development & Waste

**Devon**  
 County Council  
 Head of Highways, Capital Development & Waste

**Notation**  
 Addition of Bridleway A - B (approx 550 metres) - - - - -  
 Existing Public Footpaths ————

Email to Assistant County Solicitor 08.02.17

Dear Mr Clarey

## **List of Streets**

Thank you for advising the Devon Countryside Access Forum of the process you go through when there are proposed revisions to the List of Streets. This was discussed at the meeting held on 26 January. The Forum is pleased to note that there is a rigorous procedure when any addition/modification or deletion is suggested. The DCAF advises that access user groups as well as landowners and occupiers are also consulted in respect of any changes.

The Forum is conscious that you may receive more enquiries approaching the 2026 cut-off date and it is therefore vitally important that the map in paper form and when digitised continues to be made available free of charge for members of the public to scrutinise. Ideally it would be very useful if the List of Streets also contained the Definitive Map information as these public rights of way are also “maintainable at public expense.” The Forum advises this may be something to work towards in the future.

The Forum would welcome your feedback.

Yours sincerely

Hilary Winter  
Forum Officer

*Email sent on behalf of the Devon Countryside Access Forum*

*Chair: Laura Leigh  
Vice Chair: Chris Britton*

Devon Countryside Access Forum  
Lucombe House  
County Hall  
Topsham Road  
Exeter EX2 4QD

Tel: 07837 171000

# Agenda Item 11a

## Devon Countryside Access Forum

Lucombe House  
County Hall  
Topsham Road  
EXETER EX2 4QD

Tel: 07837 171000  
01392 382084

[hilary.winter@devon.gov.uk](mailto:hilary.winter@devon.gov.uk)

[www.devon.gov.uk/devon\\_countryside\\_access\\_forum](http://www.devon.gov.uk/devon_countryside_access_forum)



Planning Policy Team  
North Devon Council  
Lynton House  
Commercial Road  
Barnstaple  
EX31 1DG

8 February 2017

Dear Sir/Madam

### **Revised draft Charging Schedule and Regulation 123 List consultation**

The Devon Countryside Access Forum (DCAF) is a statutory local access forum established under the Countryside and Rights of Way Act 2000 (CRoW Act 2000). Its specific remit is to provide independent advice on the “improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area.”

The Forum has sixteen voluntary members, appointed by Devon County Council, who represent the interests of land owners/managers, access users and other relevant concerns such as health and tourism.

At its recent public meeting, the DCAF supported the sections of the Regulation 123 list which would provide additional recreational access and greenspace and in particular:

- Transport infrastructure projects which would support the “provision/ enhancement of footpath and cycleway linkages between existing settlements and strategic green space/Tarka Trail” and “pedestrian/cycle bridges over River Taw and railway line at Seven Brethren / Anchorwood Bank.”
- Strategic greenspace improvements which would potentially provide a “Country Park north of Barnstaple (to provide alternative accessible natural green space).”

# Agenda Item 11b

Devon Countryside Access Forum 08.02.17



The Forum is encouraged that these have been included in the Regulation 123 list and is pleased the economic and health benefits of the Tarka Trail are recognised. The Forum advises that landowners and land managers are consulted at the earliest stage on any proposals which might affect their land and is attaching its position statement on liaison with land managers. A position statement on disability access is being prepared and will be forwarded when available.

The DCAF notes that the Regulation 123 list does not allow for “footpath/cycleway linkages required to link new developments with strategic green space/Tarka Trail.” The Forum trusts that these could be funded through section 106 contributions although the notes/observations do not say so. It would be helpful if you could provide feedback on this point.

Yours faithfully

██████████

Forum Officer  
Devon Countryside Access Forum

*Letter sent on behalf of the Devon Countryside Access Forum*

*Chair: Laura Leigh  
Vice Chair: Chris Britton*

## Devon Countryside Access Forum

Lucombe House  
County Hall  
Topsham Road  
EXETER EX2 4QD

Tel: 07837 171000  
01392 382084

[hilary.winter@devon.gov.uk](mailto:hilary.winter@devon.gov.uk)

[www.devon.gov.uk/devon\\_countryside\\_access\\_forum](http://www.devon.gov.uk/devon_countryside_access_forum)



Planning Policy Team  
Torrige District Council  
Riverbank House  
Bideford  
EX39 2QG

8 February 2017

Dear Sir/Madam

### Revised draft Charging Schedule and Regulation 123 List consultation

The Devon Countryside Access Forum (DCAF) is a statutory local access forum established under the Countryside and Rights of Way Act 2000 (CRoW Act 2000). Its specific remit is to provide independent advice on the “improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area.”

The Forum has sixteen voluntary members, appointed by Devon County Council, who represent the interests of land owners/managers, access users and other relevant concerns such as health and tourism.

At its recent public meeting, the DCAF supported the sections of the Regulation 123 list which would provide additional recreational access and greenspace and in particular:

- Transport infrastructure projects which would support the “Bideford to Westward Ho! Cycle link/Trail (BID08)” and the “provision/enhancement of footpath and cycleway linkages between existing settlements (Bideford and Great Torrington) and the Tarka Trail.”
- Strategic green space projects which would fund “provision of strategic green spaces and walking/cycling linkages within settlements.”

# Agenda Item 11c

Devon Countryside Access Forum 08.02.17



The Forum is encouraged that these have been included in the Regulation 123 list and is pleased the economic and health benefits of the Tarka Trail are recognised. The Forum advises that landowners and land managers are consulted at the earliest stage on any proposals which might affect their land and is attaching its position statement on liaison with land managers. A position statement on disability access is being prepared and will be forwarded when available.

The DCAF notes that the Regulation 123 list does not make mention of “footpath/ cycleway linkages required to link new developments with strategic green space/Tarka Trail”, unlike the North Devon Council list. The Forum trusts these links could also be funded, through section 106 contributions or possibly CIL money. It would be helpful if you could provide feedback on this point.

Yours faithfully

██████████

Forum Officer  
Devon Countryside Access Forum

*Letter sent on behalf of the Devon Countryside Access Forum*

*Chair: Laura Leigh  
Vice Chair: Chris Britton*



## Devon Countryside Access Forum

Lucombe House  
County Hall  
Topsham Road  
EXETER EX2 4QD

Tel: 07837 171000  
01392 382084

[devoncaf@devon.gov.uk](mailto:devoncaf@devon.gov.uk)

[www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

Mrs J. M. Hart  
The Town Clerk  
Buckfastleigh Town Council  
Town Hall  
Bossell Road  
Buckfastleigh  
TQ11 0DD

7 April 2017

Dear Mrs Hart

### **Buckfastleigh Neighbourhood Plan- Pre-submission Consultation**

The Devon Countryside Access Forum is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its remit is to advise “as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” It has a statutory function to give independent advice to named bodies under section 94 of the CRoW Act, including borough and district councils, and they are required to “have regard” to “any relevant advice” given to them.

The DCAF currently has sixteen members who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

The timing of this consultation did not coincide with a meeting of the Forum. This agreed response will be on the agenda for formal ratification at the next meeting on 27 April. The comments in this letter reflect advice previously provided by the DCAF.

The Forum has produced a Position Statement on Neighbourhood Plans and this is attached for information and to cross-reference against your published Plan.

Your aspirations to improve recreational access in the Parish are noted and the Forum strongly advises that early and full negotiation takes place with any landowners to discuss any proposals. You may not have seen Devon County Council’s guide to improving community paths and this can be found on

<https://new.devon.gov.uk/prow/rights-of-way-improvement-plan/>

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CRoW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.

# Agenda Item 11d

Devon Countryside Access Forum 07.04.17



Your section in the Neighbourhood Plan on 'Walking Trails', page 46, covers more than just walking and it would be appropriate to change the title of this section to recreational access trails. The Forum also advises that it would be helpful to clarify whether use by horse-riders is proposed at all, for example on forest tracks.

The Forum is currently developing a position statement on disability access and will forward this once it has been adopted. It advises that any new recreational routes and improvements should, wherever possible, consider the requirements of users with disabilities.

The section on 'Walking Trails' refers to a map on page 25 which does not appear to be included in the Plan.

There is a comment in the second paragraph of the 'Walking Trails' section which refers to the Countryside and Rights of Way Act. "Residents love the surrounding landscape, the woodlands, the river and the hills and would like to have wider access to them. Farmers and landowners have legitimate anxieties especially concerning dogs and livestock. This is, after all, an area with sheep farming. The Countryside and Rights of Way Act 2000, has however extended rights of access, and we want to ensure that this is responsible." From scrutiny of the Public Rights of Way interactive map [www.devon.gov.uk/prow](http://www.devon.gov.uk/prow) it does not appear that there is any CRoW Act land in the parish of Buckfastleigh. The CRoW Act only extended access to designated mountain, moor, heath and downland and to no other land. Reference to the CRoW Act should be deleted but the Forum would strongly support inclusion of a comment about responsible access use.

The DCAF hopes its comments will be taken into account and would welcome your feedback.

Yours sincerely

██████████

Hilary Winter  
Forum Officer

*Letter sent on behalf of the Devon Countryside Access Forum*

## **Greater Exeter Strategic Plan Consultation: Issues**

*Joint East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council document. This formal statutory document will provide the overall spatial strategy and level of housing and employment land to be provided up to 2040. Please visit [www.gesp.org.uk](http://www.gesp.org.uk) for more information.*

*Engagement with stakeholders and communities will be critical to the success of the Plan. At this first stage, the authorities are consulting on an initial 'issues document' which, after setting out some background information, looks to explain the scope and content of the plan as well as describing the key issues facing the Greater Exeter area. Consultation on a more detailed Plan will follow.*

### **Response submitted on the electronic response form 07.04.17**

The Devon Countryside Access Forum is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its remit is to advise "as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area..." It has a statutory function to give independent advice to named bodies under section 94 of the CRoW Act, including borough and district councils, and they are required to "have regard" to "any relevant advice" given to them.

The DCAF currently has sixteen members who represent the interests of landowners/ managers, access users and other relevant areas of expertise such as conservation and tourism.

The timing of this consultation did not coincide with a meeting of the Forum. This agreed response will be on the agenda for formal ratification at the next meeting on 27 April. The comments in this response reflect advice previously provided by the DCAF.

The Forum has prepared a position statement on planning and this is attached. Given the anticipated level of development in the Greater Exeter area, the DCAF advises that provision of amenity land and sustainable transport links are vitally important. Based on that premise an additional issue should be added stressing the importance of good green infrastructure (green space, public rights of way, multi-use trails, forestry etc.) to link rural and urban communities and to be incorporated within developments. Such provision would be in line with evidence from other bodies, such as Natural England and Sport England, which stress the health and well-being benefits arising from nearby greenspace which people can reach without cars. This is a cross-cutting issue which has not been fully highlighted in the initial ideas. These green areas should include specific areas for dog walking and dog free space in line with the publication Planning for Dog Ownership in New Developments: Reducing Conflict – Adding Value <http://documents.hants.gov.uk/ccbs/countryside/planningfordogownership.pdf>

Although the ageing population is mentioned as an area of concern under the health issue it does not mention obesity and the importance of getting all ages out exercising. Access for those with limited mobility should be included as part of planning for specific health requirements.





## COASTAL ACCESS

### England Coast Path from Kingswear to Lyme Regis

#### Summary for the Devon Countryside Access Forum

**Full reports and maps are on**

**<https://www.gov.uk/government/publications/england-coast-path-from-kingswear-to-lyme-regis-comment-on-proposals>**

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the whole coast, the England Coast Path; the other relating to a margin of coastal land associated with the route where people will be able to spread out and explore. Some categories of land are automatically excepted from the coastal access rights.

The coastal access rights which would be newly introduced under proposals include most types of open-air recreation on foot or by wheelchair including walking, climbing and picnicking. Horse riding and cycling are not permitted except by permission of the landowner or under other rights.

Publication of the report follows Stage 1: Prepare, a period of preparation and familiarisation and then Stage 2: Develop, whereby initial thoughts were discussed with owners and occupiers of land and those with other legal interests.

This summary excludes the sections through Torbay Council area which fall within the responsibility of the Torbay Local Access Forum (Chapters 2 and 3). The web link includes the Overview, Sensitive Features Report and nine separate chapters for different stretches of the route prepared by Natural England (NE). The extracts below are taken from these documents. The references refer to shorter sections and full details are in the chapter reports.

The estimated capital cost of the England Coast Path along this stretch is £19,983, excluding VAT, predominantly for signs and interpretation and new path sections.

Once all representations (from anybody) and objections (from owners or occupiers of affected land) have been considered, the Secretary of State will make a decision about whether to approve the proposals, with or without modifications. The appropriate legal process will then be followed.

#### **Route of the England Coast Path from Lyme Regis to Kingswear (68 miles)**

NE proposes to follow the route of the South West Coast Path as currently managed through the whole stretch from Lyme Regis to Kingswear. Where the walked route differs

DCAF

27.04.17

# Agenda Item 12a

slightly from the original SWCP route adopted by the Secretary of State it is proposed both the SWCP and the England Coast Path follow the same route. Each chapter identifies where other options were considered and the reasons for following the existing path. In these instances Natural England was weighing up the criteria in the Coastal Access Scheme, chapter 4, and trying to achieve the best balance. In a few instances an alternative route for seasonal, weather or tidal conditions is proposed. On some estuaries the trail is proposed up to the first river crossing point.

## **Conservation and heritage considerations**

The report identifies specific listed monuments and designated conservation and landscape sites. It also looks at the impact on fragile habitats. The Sensitive Features report gives full details. Each chapter seeks to assess whether the designated path and spreading room will impact adversely on these sites and, with the exception of Dawlish Warren, the conclusion is that there will be no undue effect.

## **Accessibility**

The Coastal Access report identifies areas where the coast path will not be accessible, for example uneven grass, a narrow trail, steps or path furniture such as a stone stile. These are not addressed as part of the England Coast Path delivery unless included in physical improvement work and in most instances could not be altered. Each chapter specifies these and in chapters 1, 6 and 7 modest remedial action is proposed as part of general physical improvement works.

### *Chapter 1 – Kingswear to Sharkham Point*

- Near Inner Froward Point Lookout Station (route section KLR-1-S018) the existing kissing gate will be replaced with a pedestrian gate, to allow improved access. NE envisages this happening as part of the physical establishment work described in part 6 of the Overview.
- At Scabbacombe Sands (route section KLR-1-S041) the existing stepping stones will be replaced with an extension to the existing adjacent sleeper boardwalk, so as to allow improved access. NE envisages this happening as part of the physical establishment work described in part 6 of the Overview.

### *Chapter 6 – Exmouth to the Otter Estuary*

- East of Devon Cliffs Holiday Park the existing kissing gate will be improved to make it easier to use. NE envisages this happening as part of the physical establishment work described in part 6 of the Overview.

### *Chapter 7 – Otter Estuary to Sid Estuary*

- South east of Budleigh Salterton Cricket Club the existing kissing gate will be replaced with a pedestrian gate, to improve access. NE envisages this happening as part of the physical establishment work described in part 6 of the Overview.
- South east of Monks Wall (near Ladram Bay) the existing kissing gate will be improved to make it easier to use. NE envisages this happening as part of the physical establishment work described in part 6 of the Overview.

- At the south entrance to Ladram Bay Holiday Park the existing kissing gate will be improved to make it easier to use. NE envisages this happening as part of the physical establishment work described in part 6 of the Overview.

## **Areas where Natural England has used its discretion to amend the path**

Usually, the landward extent of this margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is foreshore, cliff, dune or beach, or a bank, barrier or flat, or section 15 land. However, NE has used its discretion on some sections of the route to map the landward extent of the coastal margin to an adjacent physical boundary such as a fence line, pavement or track to make the extent of the new access rights clearer. More extensive amendments are outlined below:

### *Chapter 1 – Kingswear to Sharkham Point*

- Estuary: The report proposes that the trail should extend upstream from the open coast a short distance as far as the ferry across the River Dart. See part 3 of the Overview. The ferry service runs seven days a week year round between Dartmouth and Kingswear.
- At land surrounding Inner and Outer Froward Point (route sections KLR-1-S018 to KLR-1-S027), between Pudcombe Cove and Scabbacombe Head (route sections KLR-1-S033 to KLR-1-S038), at Southdown Cliff (route sections KLR-1-S050 to KLR-1-S051), and near Sharkham Point car park (route section KLR-1-S053) NE has used its discretion to propose the inclusion of additional, more extensive landward areas within the coastal margin, to secure or enhance public enjoyment of this part of the coast. The owner of this land (National Trust) is content for NE to propose this. See maps 1b, 1c, and 1e and table 1.2.1 for more detail.
- An optional alternative route would operate at times when the ordinary route is unavailable for use because of high tides or when the adjacent lake overflows. The optional alternative route at Man Sands would follow route sections KLR-1-OA001 to KLR-1-OA008 as shown on map 1d. It would not have the effect of creating any additional spreading room on either the seaward or the landward side. The new route would consist of kissing gates, steps, a boardwalk and a raised earth causeway as well as associated signage.

### *Chapter 4 – Maidenhead to Holcombe*

- Estuary: The report proposes that the trail should extend upstream from the open coast a short distance as far as the ferry across the River Teign. See part 3 of the Overview. The ferry runs a continuous daily on demand service all year round between Shaldon and Teignmouth.
- Alternative routes: An optional alternative route would operate at times when the ordinary route along the sea wall is inaccessible due to high tides and/or storms (Teignmouth to Holcombe)

The optional alternative route between KLR-4-S020 and KLR-4-S025 would follow route sections KLR-4-OA001 to KLR-4-OA005 as shown on maps 4c and 4d and described in table 4.2.2. This optional alternative route would not have the effect of creating any additional spreading room on either the seaward or the landward side.

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## *Chapter 5 – Holcombe to Exmouth*

- Estuary: The report proposes that the ordinary route of the trail should extend upstream from the open coast a short distance as far as the ferry across the River Exe. See part 3 of the Overview.
- The ferry operates a seasonal service from Easter to the end of October, on an hourly basis during the daytime, seven days a week between Starcross and Exmouth. An alternative route that makes use of the existing Exe Estuary Trail would be available at the times when the ferry service is not running and would extend to the Countess Wear Bridge which is the first public foot crossing over the River Exe. The trail covered by this chapter includes this estuary route. (As the ferry service is not available all year round NE considered whether it was appropriate to align the ordinary route of the trail to the Countess Wear Bridge over the Exe Estuary. NE concluded that doing so would not provide any additional recreational benefit chiefly because NE would not be creating any new public access; the Exe is already well served by the Exe Estuary Trail, a continuous multi use route on both sides of the river, and any new areas of spreading room created would be negligible due to the presence of excepted land, and the likely need for directions to exclude access to the intertidal areas. See table 5.2.3 for further details)
- Alternative routes: An optional alternative route would operate at times when the ordinary route along the sea wall between Dawlish and Dawlish Warren is inaccessible due to high tides and/or storms.

The optional alternative route between Dawlish and Dawlish Warren (sections KLR-5-S011 and KLR- 5-S013) would follow route sections KLR-5-OA001 to KLR-5-OA005 as shown on maps 5b and 5c and associated table 5.2.2. It would not have the effect of creating any additional spreading room on either the seaward or the landward side.

- Alternative routes: An alternative route would operate at times when the ferry service between Starcross and Exmouth is not operating and therefore the ordinary route would be unavailable.

The alternative route between Starcross and Exmouth would follow the route of the existing Exe Estuary Trail (sections KLR-5-A001 to KLR-5-A070) as shown on maps 5e to 5q and described in table 5.2.2. It would not have the effect of creating any additional spreading room on either the seaward or the landward side.

## *Chapter 6 – Exmouth to Otter Estuary*

- Estuary: The report proposes that the trail should extend upstream from the open coast a short distance as far as the ferry across the River Exe. See part 3 of the Overview. The ferry operates a seasonal service from Easter to the end of October, on an hourly basis during the daytime, seven days a week between Starcross and Exmouth. An alternative route that makes use of the existing Exe Estuary Trail would be available at the times when the ferry service is not running and would extend to Countess Wear bridge which is the first public foot crossing over the River Exe (see chapter 5 for further details about the alternative route).
- At Orecombe Point (route section KLR-6-S009) NE has used its discretion to propose the inclusion of an additional, more extensive landward area within the coastal margin, to secure or enhance public enjoyment of this part of the coast.

The owner of this land (National Trust) is content for NE to propose this. See map 6b and Table 6.2.1 for more detail.

## *Chapter 7 – Otter Estuary to Sid Estuary*

- Estuary: This report proposes that the trail should include a route around the estuary of the River Otter, extending upstream from the open coast as far as White Bridge, which is the first public foot crossing point over the river. The trail covered by this chapter includes part of this estuary route.

## *Chapter 8 – Sid Estuary to Axe Estuary*

- Estuary: The report proposes that the trail should extend upstream from the open coast:
  - as far as Alma Bridge across the River Sid. The bridge is located a very short distance above the transitional water limit and is the first public foot crossing point over the river;
  - as far as Axmouth Bridge which is the first public foot crossing point over the River Axe.
- At Salcombe Hill Cliff NE has used its discretion to propose the inclusion of an additional, more extensive landward area within the coastal margin (route sections KLR-8-S007 to KLR-8-S009), to secure or enhance public enjoyment of this part of the coast. The owner of this land (National Trust) is content for NE to propose this. See map 8a and Table 8.2.1 for more detail.

## *Chapter 9 – Axe Estuary to Lyme Regis*

- Estuary: The report proposes that the trail should extend upstream from the open coast a short distance as far as Axmouth Bridge, which is the first public foot crossing point over the river. The trail covered by this chapter includes part of this estuary route.

## **Future change**

### *Chapter 6 – Exmouth to Otter Estuary and Chapter 7 – Otter Estuary to Sid Estuary*

The Lower Otter Restoration project is examining the possibility of a managed realignment scheme at the mouth of the River Otter. The project is currently in an early phase and seeking funding to progress. It is possible that a breach in the river bank may happen naturally prior to the commencement of the project; any such inundation event will impact on the route of the England Coast Path as proposed in this report. Should the current route become impassable, a new route for the England Coast Path will be identified.

### *Chapter 8 – Sid Estuary to Axe Estuary*

The current footbridge over the River Sid, Alma Bridge, and the cliff it is fixed to are frequently subject to damage and erosion from high tides and storms. Devon County Council is investigating an appropriate solution and has proposed to remove this bridge and relocate the crossing point with a new footbridge positioned inland of the current location. At the time of writing this report the design of the bridge and the exact location are undergoing consultation and therefore yet to be confirmed. When Alma Bridge is

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removed and the new footbridge is opened, the England Coast Path will roll back and follow this new route across the river.

## Roll-back

Roll-back is a specified part of the trail which is subject to significant erosion or other coastal processes, or which links to such a section of trail. Identifying these sections as roll-back means the trail should be capable of being repositioned later in accordance with the proposals in NE's report, without further confirmation by the Secretary of State.

For each chapter sections have been identified where an additional landward area has been included to allow for roll-back in the event of erosion and collapse making the original path line dangerous or unusable. The roll-back sections are individually specified and are not wholesale. For normal roll-back, the landward edge of the route is proposed; generally the edge of the trail, a road, path, fence or hedge. The majority of the roll-back sections identified are along the East Devon coast. The more complex roll-back situations are included as below.

### Chapter 6 – Exmouth to Otter Estuary

Map(s)	Section number(s)	Feature or site potentially affected	How we will manage roll-back in relation to this feature or site
6e	KLR-6-S021 to KLR-6-S025	Golf course - East Devon Golf Club	If it is no longer possible to find a viable route seaward of the specified golf course, we will choose a new route after detailed discussions with all relevant interests, either (a) to pass through the course, or (b) if this is not practicable, to pass somewhere on the landward side of it. In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.
	KLR-6-S026 to KLR-6-S031	Houses and park	If it is no longer possible to find a viable route seaward of the specified excepted land (e.g. buildings, curtilage, gardens, park etc), we will choose a route, either a) to pass through the excepted land (we will investigate whether it is possible to pass through the park on existing PRoW), or b) to pass landward of it, following discussions with owners and occupiers.

### Chapter 7 – Otter Estuary to Sid Estuary

Map(s)	Section number(s)	Feature or site potentially affected	How we will manage roll-back in relation to this feature or site
7a	KLR-7-S001 to KLR-7-S002	Budleigh Salterton Cricket Club	If it is no longer possible to find a viable route seaward of the specified excepted land (e.g. buildings, curtilage, gardens etc), we will choose a route landward of it, following discussions with owners and occupiers.
	KLR-7-S003	White Bridge	If it is no longer possible to walk across White Bridge we will choose a route landward of it, following discussions with owners and occupiers.
7c	KLR-7-S015 to KLR-7-S016	Ladram Bay Holiday Park	If it is no longer possible to find a viable route seaward of the holiday park, we will choose a new route after detailed discussions with all relevant interests, either (a) to pass through the holiday park, or (b) if this is not practicable, to pass somewhere on the landward side of it. In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.

## Chapter 8 – Sid Estuary to Axe Estuary

Map(s)	Section number(s)	Feature or site potentially affected	How we will manage roll-back in relation to this feature or site
7a	KLR-7-S001 to KLR-7-S002	Budleigh Salterton Cricket Club	If it is no longer possible to find a viable route seaward of the specified excepted land (e.g. buildings, curtilage, gardens etc), we will choose a route landward of it, following discussions with owners and occupiers.
	KLR-7-S003	White Bridge	If it is no longer possible to walk across White Bridge we will choose a route landward of it, following discussions with owners and occupiers.
7c	KLR-7-S015 to KLR-7-S016	Ladram Bay Holiday Park	If it is no longer possible to find a viable route seaward of the holiday park, we will choose a new route after detailed discussions with all relevant interests, either (a) to pass through the holiday park, or (b) if this is not practicable, to pass somewhere on the landward side of it. In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.

### Restrictions and exclusions

There are a limited number of restrictions and exclusions along the stretch of coast.

#### Chapter 5 – Holcombe to Exmouth

- It would be necessary to exclude access year round to part of the coastal margin between Dawlish Warren and Cockwood Harbour (route sections KLR-5-S016 to KLR-5-S021) to protect sensitive wildlife (sensitive feeding waterbirds). This proposal is explained further in parts 5 & 9 of the Overview.

These directions will not prevent or affect:

- any use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or;
- use of any registered rights of common or rights at common law or by Royal Charter etc.

#### Chapter 7 – Otter Estuary to Sid Estuary

- Access to all saltmarsh and mudflat in the coastal margin at the mouth of the River Otter in route sections KLR-7-S001 to KLR-7-S004 is to be excluded by direction under s25A of the CROW Act all year as it is unsuitable for public access. The exclusion will have no legal effect on land where coastal access rights do not apply. See Map G and Part 9 of the Overview for further details.

These directions will not prevent or affect:

- any use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or
- use of any registered rights of common or rights at common law or by Royal Charter etc.

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## Other options considered

### *Chapter 1 – Kingswear to Sharkham*

- Options considered were aligning the trail along Beacon Road (former SWCP); through the grounds of Kingswear Castle; and a more seaward route east of Mill Bay Cove.

### *Chapter 5 – Holcombe to Exmouth*

- Options considered were using the Exe Estuary Trail as the formal route, rather than as an alternative when the ferry was not running.

### *Chapter 7 – Otter Estuary to Sid Estuary*

- An option to deliver a more seaward route over Peak Hill was considered.

### *Chapter 8 – Sid Estuary to Axe Estuary*

- Options to align the trail along the beach at Seaton Hole and use the Old Beer Road were considered.

### *Chapter 9 – Axe Estuary to Lyme Regis*

- Options to align the trail along Axmouth Harbour and up the cliff side into the Undercliffs NNR; align the trail behind Axmouth Harbour and through the woodland and then dropping down into the Undercliffs NNR; align the trail along the clifftop seaward of the golf course and another route through the golf course using an existing access track were all considered.

## Making comment

The Devon Countryside Access Forum can make representation about the coastal access report. As it is not an owner or occupier of affected land it cannot make an objection.

The Forum may wish to consider:

- The proposed trail and its continuity;
- The alternative routes suggested in the event of flooding/bad weather or seasonal ferries;
- The extent and appropriateness of roll-back provision, particularly on the East Devon coast;
- The seaward margin and in particular the access exclusion on part of Dawlish Warren and access to a private beach and woodland east of Kingswear; and
- River crossing points and any future impacts on the route.

**Devon Countryside Access Forum**  
Lucombe House  
County Hall  
Topsham Road  
EXETER EX2 4QD

Tel: 07837 171000  
01392 382084

[devoncaf@devon.gov.uk](mailto:devoncaf@devon.gov.uk)

[www.devon.gov.uk/devon\\_countryside\\_access\\_forum](http://www.devon.gov.uk/devon_countryside_access_forum)



## **Devon Countryside Access Forum Disability Access Position Statement**

### **Introduction**

The Devon Countryside Access Forum is a statutory forum under the Countryside and Rights of Way Act 2000. Its members are volunteers, appointed by Devon County Council to provide independent advice on “the improvement of public access to land for the purposes of open-air recreation and enjoyment.” The members represent the interests of landowners/land managers, access users and other interests such as tourism and disabled access.

The Forum recognises that everyone should be able to enjoy recreation in the natural environment and Devon provides many opportunities for residents and tourists to do so. Research has demonstrated that disabled people are one of the groups that visit the countryside less frequently. This position statement sets out areas where improvements could be made to facilitate access by those with physical disabilities or frailty; a significant group whose numbers are increasing. The Equality Act 2010 seeks to ensure that people with disabilities are not discriminated against. Early consideration can ensure that the **least restrictive** options are considered when new routes or improvements are being planned, thus enabling disabled users to go out with family and friends. For health and economic reasons facilitating access brings widespread benefits.

### **Making improvements for Trumper and wheelchair access**

In the last ten years huge changes in development have taken place with electric mobility scooters and electric wheelchairs. This revolution is ongoing. Where once these scooter/ wheelchairs could not access the countryside they now can and many have ranges of 20 to 40 miles and can cope with more challenging gradients and path surfaces. Major modifications to routes using very specific criteria are often inappropriate or very expensive but relatively minor changes can often result in a much more accessible route, particularly for people with all-terrain scooters.

All plans and improvements should be subject to detailed negotiations with landowners to ensure an appreciation of disability issues and to make certain that any stock control matters are assessed in choosing path furniture. Equally, there may need to be a balance between disability access and restricting vehicular access.

Barriers to access include stiles; steps; narrow gates; narrow entrances and exits; difficult handles and latches; steps up to footbridges rather than ramps; log or earth barriers; and gradients and cross-gradients.

- In planning or designing *new* routes a number of organisations have good practice guides to ensure disability access standards can be implemented and links to these are below.

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The Devon Countryside Access Forum would advise that the highest standards possible are incorporated and considered from the outset.

- Improvements to public rights of way in parishes are often considered as part of Neighbourhood Plans. The Forum advises that making modest changes to path surfacing to minimise puddles, roots and ruts; removing stiles in consultation with the landowner and installing appropriate two way self-closing gates with accessible latches or handles could make many routes more accessible to the community.
- The Forum would encourage landowners to consider the needs of disability users and, where possible, use two-way self-closing gates with good latches. Poor latches are one of the main issues affecting accessibility.
- The Devon Countryside Access Forum would encourage site managers to explore options for facilitating access for tramper buggies or making these available for hire, as has been successfully developed by Countryside Mobility South West.

For photos showing good practice see the DCAF website [www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

For more comprehensive information on standards, particularly when establishing a new route see:

- The Fieldfare Trust – [www.fieldfare.org.uk](http://www.fieldfare.org.uk)  
<http://www.fieldfare.org.uk/countryside-for-all/countryside-for-all-good-practice-guide/>  
This site includes information on the BT Countryside for All project.
- Natural England's 'Trail of self-closing bridlegates: 2015'  
' <http://publications.naturalengland.org.uk/publication/4580441024102400>  
The summary and conclusions make recommendations for disability access
- Sensory Trust information fact sheets  
<http://www.sensorytrust.org.uk/information/factsheets/>

For more general information on current initiatives in Devon which benefit disability access see:

- Countryside Mobility SW (tramper buggy hire project)  
<http://www.countrysidemobility.org/>
- Living Options Devon Heritage Ability project [www.heritageability.org](http://www.heritageability.org)

## Devon Countryside Access Forum

### Draft Work Plan 2017-18

	April – June	July - September	October - December	January - March
<b>DCAF Meetings</b>	Thursday, 27 April		Thursday, 12 October	January ? date?
<b>Speakers</b>			?	?
<b>Coastal Access</b>			?	?
<b>Training Day</b>	Late June Health Theme			
<b>Consultations - ongoing</b>	Exe Estuary - Dog Walking Code of Conduct?	Defra Environment Plan?		
<b>DCAF proactive work</b>				

#### General aspirations 2017-18

- Respond to consultations, using working groups where appropriate
- Support the Public Rights of Way section, DCC
- Ensure integration between the Rights of Way Improvement Plan and other strategies and policies
- Continue to work with DCC on multi-use route development
- Contribute to green infrastructure policy development throughout the County
- Continue the link with the Public Rights of Way Committee
- Raise the profile of the DCAF



