



Devon Countryside Access Forum
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Minutes of the Fiftieth meeting
of the Devon Countryside Access Forum
The Kenn Centre, Exeter Road, Kennford, Exeter, Devon EX6 7UE

Thursday, 26 April 2018

Attendance

Forum members

Andrew Baker
Simon Clist
Chris Cole (Vice-Chair)
John Daw
Jo Hooper
Councillor Tony Inch
Chris Ingram

Linda Lee
Charlie Lloyd
Sue Pudduck
Councillor Philip Sanders
Mark Simpson
Sarah Slade (Chair)
Maggie Watson

Devon County Council Officers and others present

Helen Clayton, Senior Officer, Public Rights of Way, DCC
Paul Davis, Highways Asset Manager, DCC
Ros Mills, Public Rights of Way Manager, DCC
Hilary Winter, Forum Officer, DCC

1. Welcome and introductions

Andrew Baker (landowner) and Dr Charlie Lloyd (access user) were welcomed as new members.

2. Apologies

Apologies had been received from Sean Comber, Gordon Guest and Sophie Pritchard (new member representing young people).

3. Election of Chair and Vice Chair

Simon Clist proposed Sarah Slade as Chair and Chris Cole as Vice Chair, seconded by Mark Simpson.

Sarah Slade thanked members for their support and enthusiasm and agreed to take on a further year as Chair.

4. To approve minutes of the forty-ninth meeting held on 25 January 2018.

Minutes of the previous meeting, held on 25 January, were approved and signed.

5. Matters arising

5.1 Explore Devon website (4.3 25.01.18)

Chris Ingram had looked at the Explore Devon website. The DCC horse riding leaflet, a link from the site, was excellent but updates on routes and maps and inclusion of multi-use/shared use codes of conduct would be helpful. Links from the Public Rights of Way website to such information should be more explicit.

It was suggested an additional button for 'easy access' on the front page of Explore Devon would be useful.

The site provided an opportunity for the Forestry Commission to have a section highlighting their opportunities. Ros Mills, DCC, agreed to investigate.

Action: Ros Mills

The lack of horse box parking and turning was noted as a constraint.

Feedback would be provided to officers dealing with the Explore Devon website, following retirement of a member of staff.

Action: Forum Officer

5.2 Correspondence log (5. 25.01.18)

A letter had been sent to DCC requesting that consideration is given to design of a safe road crossing on the A361 near West Down once the Buttercombe Barton to Spreacombe Bridge section of the Tarka Trail, recently given planning permission, is nearing the construction phase. The letter had been copied to the Parish Council and the member of the public who had contacted the Forum. No formal feedback from DCC had been received but Ros Mills, DCC, confirmed it was being discussed.

5.3 Dawlish Suitable Alternative Natural Green Space (SANGS) (7.1 25.01.18) and Dawlish Warren

Further to a question in the letter from the Senior Ranger about Dawlish SANGS and disability use, it had been confirmed that the main objective was accessibility to the site as a whole and easy to use gates. There was no legal requirement to make everything accessible to everyone all of the time. The duty is to make reasonable adjustment.

Following the Forum sub-group's earlier visit to Dawlish Warren, Gordon Guest had re-visited the site and adjustments had been made to the three

kissing gates to provide a longer drive in section and mobility scooter users could easily access and open and close the gates. This improvement in access to the nature reserve was much appreciated, particularly in view of the small budget for improvements. It was agreed a letter of thanks should be sent to the Ranger.

Action: Forum Officer

6. Public questions

No public questions had been received.

7. Correspondence log

Attention was drawn to item 6, South Devon AONB Management Plan review. It was noted that all five AONBs would be reviewing their Plans shortly. The AONBs had previously found the DCAF position statement useful and it was agreed this should be refreshed in the autumn.

8. Reports from meetings attended by DCAF members

8.1 Understanding the Health and Well-being Value of the Pebblebed Heaths

Gordon Guest, Sue Pudduck and Sarah Slade had attended the workshop and found it very interesting. The workshop focussed on work by the University of Exeter and Clinton Devon Estates to understand the health and well-being benefits of the Pebblebed Heaths. Members of the public travelled long distances and stayed long periods of time, undertaking a variety of activities. Sarah had introduced the work of the DCAF and Gordon gave a useful presentation on making changes to improve accessibility, such as removing bunds from car parks. The Heaths are an important conservation site but increasingly important to health and well-being.

8.2 Local Nature Partnership Conference

Maggie Watson reported on the Local Nature Partnership Conference, attended by a range of people. The informative conference was broader than nature, focussing also on health and well-being and demographic change. A natural capital approach is likely to be taken in future which recognised the intrinsic value of nature as a capital asset. Ros Mills, DCC, confirmed that the country parks were seeking to value their assets in any funding bids. A member raised the importance of food production alongside conservation.

The Chair thanked Maggie for attending the Conference and for her written report.

9. Minutes of the Public Rights of Way Committee held on 15 March 2018

Cllr Sanders, Chairman of the Public Rights of Way Committee, referred to item 55b), the revenue budget. There was a relatively small reduction in the revenue

budget but its value was down in absolute terms and the base budget is being constantly eroded at a time when the Public Rights of Way team is taking on additional responsibilities.

Reference was also made to item 56. A post would be advertised to replace Nick Steenman-Clark who is retiring. The Forum was pleased to note the post would remain.

10. Public Rights of Way update

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

a) Budget

Following the scenario planning discussion at the last meeting, only £800 had been lost from the PRow revenue budget which was an outcome better than expected. The Senior Management Team was aware of the health and well-being benefits of the PRow network. The PRow team had received additional capital money of £80,000.

Cabinet had agreed a sum of £2m to assist with drainage on the highway and the PRow team was putting forward capital projects where public rights of way connect to roads or where there is water run-off.

The PRow team had identified some significant capital projects which were ready to proceed should finance become available.

b) DCAF position statements

These were welcomed by the PRow team.

c) DCAF Annual Report

Sarah Slade was thanked for her excellent report.

d) Staffing

The advertisement for a replacement Definitive Map Review officer would be out shortly.

e) Parish Paths Partnership (P3)

Survey forms were being completed plus grant awards for the coming year. P3 parishes were putting in project bids.

f) List of Streets

Further conversations had taken place with Land Charges, DCC. Some technical issues had been resolved and there would be no problem transferring the Definitive Map onto the List of Streets. A disclaimer would be needed to indicate that the record of List of Streets was not the Definitive Map itself.

g) Deregulation Act

Public Rights of Way changes in the Deregulation Act 2015 were not in force. It was noted that this was part of a Defra work plan. A limited consultation

through the Adept Rights of Way Managers' Group had taken place on the cost recovery section, with regions feeding in useful information on what charges would be appropriate and time scales for the process.

h) Pegasus Trail

Following the DCAF sub-group visit and recommendations, dusting had taken place to improve the surface for horse-riders and dog walkers.

i) Public Rights of Way Committee

The next Committee would be on 5 July.

j) Public Inquiries

An Inquiry would be held on 11 October at Ugborough for a Definitive Map Modification Order to add a bridleway. DCC is making the case for confirmation.

k) British Standards Institute. BS 5709 Gaps, Gates and Stiles

The revised standard had recently been published. The PRoW team would be assessing the implications and a report would come to the next Forum meeting. The standard would not be applied retrospectively but would impact on public path orders. PRoW staff would need to justify decisions when it was not possible to meet the standard. The gate width had increased by 10cm which had implications when replacing stiles with gates.

11. Presentation by Paul Davis, Asset Manager, Highways, Infrastructure Development and Waste, DCC. 'Devon County Council's role in maintaining the highway'.

Paul Davis introduced himself as the Highways Asset Manager with responsibility for budgets, policy and performance.

Devon has the largest road network in the country with an estimated asset value (gross replacement cost) of £12 billion. The asset included 'A', 'B' and 'C' roads; unclassified roads; footways; bridges and retaining walls; public rights of way; cycle/multi-use trails; and street lights, illuminated signs and bollards.

Mr Davis provided graphs on the condition of the highway which indicated, on a traffic light system, that the 'A' and 'B' roads have shown a relatively good and stable state condition over the past 10 years with a low percentage of roads requiring urgent planned maintenance. Analysis of the 'C' road network indicates a trend over the past 4 years in the gradual deterioration of this part of the network and along with the unclassified road network is an area DCC is targeting in 18/19. For the unclassified road network, DCC is beginning to see a more regular deterioration in condition which is reflective of the under investment of this part of the network over the past 5 years, the effects of climate change and the change in usage and driving habits on this more vulnerable part of the Devon road network. This is demonstrated by the increase in roads requiring early investigation due to condition. With the exceptional weather that impacted the County during January through to March, DCC anticipates a worsening situation in terms of road condition across the network and particularly on the minor road network.

Roads were divided into 12 categories; 1- 5 on the major road network and categories 6 -12 on the minor road network. The lowest minor category roads, generally unsuitable for vehicles, are unsurfaced or unmetalled roads and are maintained by the public rights of way team. Mr Davis explained Devon's policy on the level of maintenance applied to the various road categories and demonstrated as an example the policy maintenance matrix for lower and higher category roads. He showed an excerpt from the matrix where it indicated that carriageway reconstruction is not normally undertaken on a category 9 road (a service road serving a single or a few properties) or below. Conversely surface dressing was applicable on all categories of road. DCC had a defined list of possible maintenance treatments for each category within its policy document AM.01 General Maintenance Treatment Standards.

Funding for highway maintenance came from a variety of sources to give a capital budget for improvement works and a revenue budget for repair and maintenance of the asset. The Capital budget is made up of the needs based formula allocated by the Department for Transport for local highway maintenance. Other capital funding comes from the Incentive and Challenge Funds which local authorities compete for, Pothole Action Fund and additional one-off funding such as the Flood Resilience Fund allocated following the severe weather events in February and March this year. The total Revenue budget for 2018-19 sits at £29.6 million and includes an additional £6.5 million for drainage and other cyclical works and safety defect type works. Capital budgets are much more rigid in terms of their areas of spend and are often ring-fenced whereas revenue budgets have a greater level of flexibility.

In terms of asset management, the overarching principle is to extend the life of the asset, intervening before deterioration accelerates and repairs become more costly, 'doing the right thing at the right time'. Thus, adopting a worst-first strategy is not sustainable and in the longer term is more costly hence why the whole life cost strategy is used when deciding on the appropriate treatment.

Mr Davis said that he would check whether categories were described on the DCC public facing portal. A Forum member mentioned that roads maintainable at public expense listed the categories.

Action: Paul Davis, DCC

The Forum noted the safety defect repair risk matrix and the response times for different road categories. As recommended in the new Code of Practice for Well Managed Highway Infrastructure the safety inspection regime uses a risk assessment process to determine the degree of risk a defect which meets the investigation criterion impacts upon highway users.

Mr Davis confirmed the new Code of Practice for Well Managed Highway Infrastructure allows an authority to manage its network by assessing the level of risk something poses on its network. Potholes for example constitute a potential serious risk and may, if located in a dangerous part of a carriageway, require an urgent response because they are deemed to pose a threat to life i.e. response within 2 hours and made safe or repaired urgently. Mr Davis referred to the Highway Safety Policy for Devon which scheduled the various defects that an inspector will look for on an inspection i.e. a pothole was defined as being 300mm in any horizontal direction and 40mm in depth. He confirmed that the risk assessment process will

include inspecting for defects that could impact on all users such as cyclists and those with disabilities. All personnel involved in safety inspections are competent and have successfully completed the UK Highway inspectors training and certification scheme as approved by the UK Roads Board. The frequency of inspections is dependent on the maintenance category of the road, for example maintenance category 3 road ('A') is inspected monthly whereas a maintenance category 8 road (minor collector road) will be annually. When the public report a problem, the matter goes through a triage process and, where appropriate, a contractor is instructed to make the repair. Sometimes the problem is reported incorrectly with a wrong location which can involve abortive costs.

Members viewed photographs supplied by a DCAF member showing re-emergence of pothole defects only a couple of weeks after repair. Mr Davis confirmed that on lower category roads the specification for pothole repair is clean out void and fill with either cold or hot material whereas on the main road network a pothole has to be cut out to vertical edges and then only filled with hot material. The matter of surface water on the network was raised. DCC has a programme of siding and water tabling however this has over recent years been limited in the main as preparation works to surface dressing roads. It was felt that more minor roads would benefit from regular siding and water tabling works. A member highlighted the problems caused to the minor road network from large farming plant and haulage vehicles which damaged ditches and caused damage to the channel edge of the carriageway. Problems with water run-off from fields were cited and it was suggested DCC could interact more with landowners to determine how best to deal with field water discharging onto the highway. Mention was made of potholes half-filled and incomplete. Mr Davis confirmed that where members of the public identify locations where work is not up to standard DCC would appreciate this being raised through the Customer Service Centre as a formal complaint which will then be flagged up to the appropriate team for action.

Verge maintenance had been raised by the DCAF. Mr Davis confirmed that the Environment Agency permits verge waysoil to be de-positioned to another verge within 3 kilometres of its source, the TMC specification details the full requirements in this respect. The specification permits only waysoil arising from siding, ditching or cleaning operations to be disposed of on verges and hedge banks. The waysoil on verges shall be spread to a depth of 50mm on the verge within 7 days of deposition, all litter and large stones shall be removed and then the site rotavated or otherwise broken down to a fine tilth and re-levelled. Members re-iterated the problems arising from spread of noxious weed through seeds which might not be apparent.

Mr Davis outlined the grass cutting policy which is to maintain visibility for highway users by cutting junctions, the inside of bends and laybys and places where pedestrians are encouraged to cross, for example where a public right of way meets a road. Wholesale grass cutting was no longer carried out due to budget cuts. Some money went to districts and parishes to cut urban grass (four times per year). Rural grass is cut once or twice. Some districts/parishes are cutting additional areas at their discretion.

Mr Davis said that where a public right of way met a carriageway on a narrow road with no footpath it made sense to create a safe verge passage to a nearby public right of way, if in close proximity. It would be useful to look at the policy again. It

was agreed this would be an asset for walkers and horse-riders. However, any such cut would only be once cut per year. It was possible to report the need for an exception to the parish and Neighbourhood Team.

Action: Paul Davis to report back on progress.

Concern had been raised by Forum members about lack of friction on roads used by horse riders. Mr Davis explained that stone mastic asphalt (SMA) surfaces have a temporary binder film occluding the aggregate for a period immediately following laying; this can be for several months on roads with minimal traffic. Applying grit during the laying process speeded up the removal of the binder film. In locations of high equestrian use, grit is applied to all asphalt concrete surfaces and not just SMA. Devon is leading the way in its policy of applying grit to new surface courses on routes regularly used by horses. The use of surface dressing was seen as a good surface for horses however its use is as an intermediate protective treatment and is not a replacement for the structural benefits gained through resurfacing.

Forum members explained that tungsten studs on horse shoes provided some road purchase but too many would reduce the flow of the horse. Mr Davis said DCC will always risk assess a site prior to any resurfacing works to determine whether there were stables in the vicinity or it was a popular riding route and, if so, through consultation the design would include measures to mitigate any risk. For example, on heavily used equestrian routes there were options available to reduce the impact of new surfaces, for example to overlay the new surface with a narrow surface dressing or high friction surfacing along one or either side of the carriageway or perhaps improve verge availability and maintenance for a period after the laying of the surfacing.

Chris Cole mentioned he had noted a proliferation of temporary road closed signs on the very minor roads. These often got damaged or knocked over and the ambiguous wording reduced recreational use of the lane. He said user groups, such as the Trail Riders' Fellowship, could assist with erecting appropriate signage, e.g. road unsuitable for motor vehicles signs, mounted on steel posts with concrete foundations to make them more robust should they get hit. Mr Davis confirmed he could look at budgets but the process would need to be controlled and with effective liaison. He agreed he could build up an approval process and would welcome ideas on a suitable approach and interaction with the community. It was agreed Ros Mills, DCC, would consider the detail and report back to the next meeting. Members were asked to advise the Forum Officer if they had comments.

Action: Ros Mills and Forum members.

Mr Davis acknowledged that parishes did not always understand the maintenance selection process and why a road is selected over another which may be in a worse condition. He reiterated that under its Asset Management Plan DCC does not operate on a worst-case basis. However, he did recognise that more consultation was needed by the Neighbourhood Teams to determine the usage of local roads and hence its maintenance category and ultimately the level of maintenance that category attracts. The situation in parishes sometimes changes through increased usage from new developments, businesses expansions etc. that can result in formerly little used routes becoming the popular route. Conversely once popular routes could become infrequently used routes as situations change.

Paul was thanked for his talk

12. To note and approve responses to consultations and note feedback

12.1 Response to Natural England on coastal access

The response had been approved at the last meeting. Natural England had subsequently provided an update.

a) Cremyll to Kingswear

Initial letters to landowners were sent out in December and Natural England has been discussing options with DCC and relevant local and national organisations with an interest in the stretch. Detailed options are being discussed with people who own and manage land.

b) Combe Martin to Marsland Mouth

Initial letters to landowners would be sent out at the end of April. Natural England has been discussing options with DCC and relevant local and national organisations with an interest in the stretch. Options would be discussed with owners and managers of land over the next few months.

12.2 South West Coast Path funding

The letter to Natural England was approved. This had been copied to Devon MPs with coastline in their constituencies. The responses from Natural England and MPs were noted. The most recent letter from Lord Gardiner of Kimble, Parliamentary Under Secretary of State for Rural Affairs and Biosecurity, stated that Natural England had written to the Chairs of each of the national trail partnerships to confirm funding at 2017-18 levels. It was noted that work would be taking place with national trail partnerships and other stakeholders to explore options for a more sustainable funding model, to ensure that the important trail assets are maintained while making them less reliant on the public purse.

Ros Mills, DCC, thanked the Forum for its letter. There is likely to be a 5% reduction in budget for 2019-2020. The national group of trail officers is lobbying for a three-year settlement. Adept is bidding for money to seek counsel opinion on the liability for new structures on the coast path which are not public rights of way. It was noted that although the new England coast path is coastal access land it is not necessarily on a right of way on the Definitive Map.

12.3 Exe Estuary Partnership Dog Walking Code

The response to the Exe Estuary Partnership was noted and approved. A helpful response had been received from the Exe Estuary Officer outlining where the Forum's advice had been taken into account. The final code had not yet been published as further changes were being made to visual clarity.

12.4 Torridge District Council Public Spaces Protection Order

The response was approved.

13. Current consultations

A discussion took place, led by the Chair, on how best to involve DCAF members in formalising and agreeing consultation responses. It was agreed that a clear process was required. It was important that members should firmly indicate their approval, or otherwise, to any draft before submission. Not all Forum members were on email.

As members were all volunteers, some concern was expressed at the practice of 'reply all' which could result in overload. It was agreed that replies should be sent to the Forum Officer who would collate into an email or draft. Members should give their assent to a response or detail proposed amendments by a given date. Where a member had expressed a strong view on an issue feedback from other members was particularly important. This would provide the opportunity to send round further drafts as necessary.

Other ways of communicating through blog or Microsoft teams were mentioned and would be explored further. A presentation on Microsoft teams, if appropriate, could be part of a presentation at the next meeting.

The Chair reminded members that advice should not be political.

13.1 Health and Harmony: the future for food, farming and the environment in a Green Brexit. Defra

Land managers on the Forum expressed concern about the changes to agricultural support that the proposals indicated. Organisations representing the farming community would be responding.

Ros Mills, DCC, said DCC and the Adept group had been asked for views. Where there is non-compliance on rights of way issues, for example obstructions, DCC can ask the Rural Payments Agency to investigate. It is likely that replacement support for access and recreation will be requested, with a basic payment for landowners with public rights of way and not just those in designated landscapes. Funding pots for improvements supported by parishes was an option.

After discussion it was agreed that the questions requesting consultees to rank environmental outcomes and other public goods were inappropriate. Many items were inter-connected and were all important and fundamental. Improvements in one area, such as soil health, would lead to improved water and air quality. Public access in the second list could also be included as part of 'enhanced beauty, heritage and engagement with the natural environment'. There were links to health and well-being.

Permissive access was one option. It was noted that fences to secure the public against livestock and crops currently resulted in financial penalties

due to the reduction of farm area. Fences could be an extra burden for the public rights of way team if not maintained by the landowner.

It was agreed funding for public access should be supported but the matter required careful consideration due to its complexity. Public access could, for example, compromise biosecurity. Consideration was given to sending the DCAF position statements but it was agreed these were developed for specific purposes and did not fit so readily into the consultation questions.

It was noted that Devon had a wealth of access opportunities in natural settings, unlike some areas of the country.

It was agreed the Forum Officer should draft a response to be sent to members for approval.

Action: Forum Officer.

13.2 Cycling and Walking Investment Strategy (CWIS) safety review. Department for Transport

There was insufficient time to consider a response. It was agreed members should email views to the Forum Officer to compile a draft, taking into account advice previously developed.

Action: Forum members and Forum Officer.

13.3 National Planning Policy Framework - draft revised text. Ministry of Housing, Communities and Local Government.

Following discussion, it was agreed not to respond to the consultation. The revisions to the National Planning Policy Framework affecting access were appropriate and largely not mandatory.

13.4 Developing a national approach to physical activity for children and young people. ukactive

There was insufficient time to consider a response. It was agreed members should email views to the Forum Officer to draft a response, taking into account opinions previously developed.

Action: Forum members and Forum Officer.

14. To approve draft Annual Report

The Annual Report was approved. Photographs would be added prior to publication.

15. To discuss and agree Work Plan for 2018-19

Members considered the work plan for 2018-19. It was suggested and agreed that a speaker from the AONBs should be invited to the October meeting to discuss the forthcoming management plan reviews. The AONB position statement should be reviewed at this meeting.

The erosion at Slapton was suggested as a topic. Ros Mills, DCC, agreed to give an update at the next meeting.

Carriage driving was also suggested by Linda Lee who thought it was permitted on routes in Bath and North East Somerset. Ros Mills said she had received information on carriage use on trails in the SW - the response was if landowners agreed then that use would be available. However very few routes had this type of access.

16. Invitation to a training workshop on the Definitive Map process and 2026

Chris Cole, Councillor Philip Sanders, Councillor Tony Inch and Sue Pudduck expressed interest in attending. It was noted that the review in Devon is proactive on a parish by parish basis, using schedule 15 of the Wildlife and Countryside Act 1981, through parish consultation and a review of historic information. Other authorities receive schedule 14 applications and deal with these on a case by case basis.

Action: Forum Officer

17. Training Day

After discussion, it was agreed a training day at Haldon Forest looking specifically at provision for young people and health would be useful. Either 18th or 20th June would be explored.

Action: Forum Officer.

Dementia awareness was raised and it was suggested this could be picked up as a post-meeting event, possibly at Honiton or the Grand Western Canal. The impact of digital mapping and other digital applications was affecting how people access and approach the countryside and it was suggested it would be useful for the Forum to gain an understanding of this.

18. Any other business

There was no other business.

19. Date of next meeting

The next meeting would be held on 11 October.