



Devon Countryside Access Forum
c/o Public Rights of Way Team
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**Minutes of the Sixty-Fifth meeting
of the Devon Countryside Access Forum
held at County Hall, Exeter EX2 4QD**

Monday, 18 September 2023

Attendance

Forum members

Cllr Richard Chesterton
Chris Cole (Vice-Chair)
Lucinda Francis
Gordon Guest
Cllr Linda Hellyer
Sue Pudduck
Tino Savvas

Robert Sewell (virtual)
Lorna Sherriff
Sarah Slade (Chair)
Bryan Smith
Tim Spray
Glynn Yabsley

Devon County Council Officers and others present

Richard Walton, Public Rights of Way and Country Parks Manager, DCC
Hilary Winter, Forum Officer, DCC
Philip Hackett, Access Field Officer, South West, British Horse Society
Ms J Mooney and five pupils (Stover School)
John Nuttall and Janet Lillie (Residents Against the Landfill)

1. Apologies

Apologies had been received from Andrew Baker, Jo Burgess, Tim Felton and Jo Hooper.

2. Declarations of interest

There were no declarations of interest.

3. To approve minutes of meeting held on 24 April 2023

Minutes of the meeting held on 24 April 2023 were approved and signed.

4. Matters arising

4.1 Tamara Coast to Coast trail

The Tamara Coast to Coast trail had been officially opened at a well-attended event. Lorna Sherriff had been present as SW Coast Path Officer.

4.2 Devon Wildlife Trust

The request had been made for sight of management plans with a focus on recreational access elements. Path designs were being drawn up for Northbrook Park, Exeter, and the DCAF had been invited to comment. A site meeting would take place, probably in October. A couple of members would be sought for a small working group, via email.

Action: Forum Officer

4.3 Network Rail

The Level Crossing Manager for Network Rail had said earlier that works at Sandy Lane, Rewe, should be complete at the end of August, enabling the crossing to reopen to walkers. Finalisation of the project had not yet been confirmed.

4.4 British Horse Society and multi-use

The response to Philip Hackett, British Horse Society, from Devon County Council was noted. Concern was expressed that the main focus of grants from the Department of Transport, in particular Active Travel funding, was driven by sustainable transport for commuter journeys, and does not seem to recognise the importance of leisure-based travel. The DfT guidance does not seem inclusive.

Richard Walton, Public Rights of Way and Country Parks Manager, confirmed he was discussing the need for inclusion of horse riding with transport planners in Devon County Council. There might be some flexibility using the Rights of Way Improvement Plan as a supporting document.

The rural nature of Devon was discussed. The focus for funding was predominantly on larger urban areas not villages. Given the policy on multi-use, Richard Walton was asked to explore with colleagues whether such grants could be more creative with regard to rural areas.

Action: Richard Walton, Public Rights of Way and Country Parks Manager.

5. Public questions

Two public questions were submitted, both relating to item 13.1 Lower Brenton landfill planning application. It was agreed to consider these at that point

6. Correspondence log

The correspondence log was noted. Attention was drawn to item 5 and the response to a member of the public who had raised concerns about the vegetation cutting policy on recreational trails, with particular reference to the Wray Valley Trail.

Richard Walton confirmed that, due to the size of the network and resourcing, seasonal vegetation cuts need to be based on core principles, rather than bespoke arrangements for individual paths. A key focus is public safety and accessibility. The Wray Valley Trail cutting would be reviewed for 2024, to identify if there were opportunities to adjust the cutting regime and/or work with local organisations to provide a more tailored approach. Public comments for the network as a whole were generally equally divided between concerns about cutting too much and cutting too little. This year had seen considerable vegetation growth, with anecdotal evidence indicating greater emphasis on requests for more cutting. The Public Rights of Way team recognise the value of biodiversity in verges. However paths often need to be cut in May due to safety, sightlines and other factors.

Where P3 groups existed in parishes these could determine local cutting programmes using voluntary and community networks.

Richard Walton agreed that cutting and removing vegetation from site could reduce growth and increase biodiversity, but this was more labour and cost intensive and so was not currently viable across the network.

Chris Cole stated that the Trail Riders' Fellowship carry out maintenance of some unclassified Unsurfaced County Roads in the County, having successfully secured insurance from Zurich to cover working with county councils and use of power tools. Users have to be competent and have appropriate certification.

Tim Spray offered the help of Ramblers' members if sufficient training could be given.

7. Report on training events and meetings attended by DCAF members

7.1 Farm visit, Silverton

Andrew Baker was thanked for enabling an interesting farm-based training day in Silverton. It provided an opportunity to discuss land management and use of public rights of way.

7.2 Training day - Pebblebed Heaths and Lower Otter Restoration Project

Clinton Devon Estates had given significant time and support for the DCAF training day to the Pebblebed Heaths and the Lower Otter Restoration Project. It had been a very useful and informative day.

The new footbridge had just been put in place, but the breach had been delayed due to nesting birds.

It was agreed it would be useful to revisit in the future.

7.3 Managing Dogs in the Countryside

Sarah Slade, Lorna Sherriff and the Forum Officer had attended a useful training day on Managing Dogs in the Countryside, organised by the ADEPT SW Enforcement Officers' Group and hosted by Dartmoor National Park. A number of organisations gave presentations on partnership working and good practice, including Devon and Cornwall Police.

The National Trust is looking to work with dog owners and use sites in the best way to protect wildlife.

Some of the focus was on dangerous dogs and ways of dealing with this issue. Training was part of the answer. Irresponsible dog owners were a perennial problem, not helped by the complexity of dog legislation.

Zoning land for dog walking and no dogs was mentioned.

Although the matter of varying dog legislation was raised, it was not the role of the Police to determine laws.

The next event would focus on livestock and people accessing the countryside.

7.4 Otter Landscape Recovery Stakeholder Group

Sarah Slade had attended a meeting of the Otter Landscape Recovery Project to represent the DCAF, alongside other stakeholders. Clinton Devon Estates would be submitting a Landscape Recovery Project bid to Defra for initial funding to look at the feasibility of putting together a significant bid for environmental change on a much bigger scale across a wider area in East Devon. This will include farming land of grade 1 and 2 value, as well as having access implications. The outcome will not be known until later in the year and would be a competitive process against other key players nationally.

8. To note minutes of the Public Rights of Way Committee held on 13 July 2023

Minutes of the Public Rights of Way Committee meeting held on 13 July were noted.

9. Public Rights of Way update

Richard Walton, Public Rights of Way and Country Parks Manager, gave an update on the service.

Staffing

An additional Senior Officer, Simon Houghton, had been appointed internally to lead the team of five wardens in the north of the County. Steve Gardner would lead the

wardens based in the southern area. There had been a couple of warden vacancies, one a longstanding vacancy and the other for the warden area previously covered by Simon Houghton. The P3 Coordinator had been appointed to the vacancy in south Devon. Subject to final details, a very experienced candidate had been appointed to north Devon to commence in mid-October. A very good response had been received to the external advertising for this post.

An approval request had been submitted to the senior leadership team to recruit for the now vacant P3 post. In the interim the P3 Coordinator had been doing some work to ensure continuity. A decision was expected shortly. It was hoped to seek opportunities to strengthen the wider partnership work of the role by working more closely with other voluntary groups and networks.

An approval case was still being worked on for the Senior Officer post to lead the Definitive Map Review and Technical team.

Lower Otter Restoration Project

The new bridge, which will become the route for part of the South West Coast Path and King Charles III England Coast Path, had been put in place. The Public Rights of Way team is working with the Environment Agency and East Devon District Council on Path Orders related to realignment of the paths onto the new bridge and other locations within the project area. East Devon District Council had done some earlier orders under the Town and Country Planning Act but these were withdrawn to allow mapping errors to be corrected.

The Environment Agency intended to work on the embankment at the end of October.

Exe Estuary Trail

The Environment Agency was using its powers to close part of the Exe Estuary Trail to carry out emergency embankment repairs. The PRoW warden is liaising with Kier, the contractors, to look at managed access around the work. Recent flooding may potentially have impacted on the project.

Devon County Council is commencing a three-month closure to replace the rotting wooden boardwalk south of Topsham, a £1 million investment, using composite materials more resistant to the damp environment. This should have a significantly longer lifespan. A diversion will be in place, adding a mile or so to the trail, using a road crossing and minor roads. It is hoped to complete works before the Christmas holiday period.

Double Waters

The old, significantly eroded footbridge over the river at Double Waters, Walkhampton, had been replaced with a new footbridge. The aspiration was to provide a higher specification bridge suitable for horses and bicycles as the route across the river connects bridleways. A previous application to Dartmoor National Park in 2021 had been withdrawn due to the high level of objections to the design required to meet the required standards for a bridge suitable for cyclists and horse

riders. Without action to replace the footbridge, public access would have been lost as the existing structure was no longer safe.

Flooding and climate change

Flash flooding in May had significantly impacted on Newton Poppleford and an historic culvert next to the Grand Western Canal at Lowdwells had been subject to excessive volume of water, impacting on nearby properties. Contractors should be on site shortly to repair sections of paths and the culvert. Remedial works were expected to cost £300,000.

A request was made for the PRoW team to put up information boards on some of the routes so that the public were aware of planned work.

Action: Richard Walton, Public Rights of Way and Country Parks Manager.

Concern was expressed about implications for budgets following unplanned expenditure. Richard Walton confirmed discussions were taking place with Government for additional investment if the relevant formulae could be met. Separate capital codes were identified for unplanned events. Ultimately it would have to balance out on the Highways capital programme.

Stover Country Park

Purchase of an area of agricultural land between the Country Park and Stover School had been completed. This would relieve pressure on the lake area. It would enable a new access loop and improve the trail network through connections to existing trails and permissive access on Sibelco land, as well as allowing partial restoration of part of the Serpentine Lake.

Contractors will be on site during the winter to carry out car park improvements and upgrade, remodel and extend the visitor centre. The building will become more energy efficient with new heat pumps and a better drainage system, thus producing revenue budget savings in the longer term.

It was not feasible for the costs of renovating the subterranean stables at Stover School to be included as part of the Delivery phase bid, but the Development phase produced conservation plans to RIBA Stage 3. Historic England remain interested in supporting stabilising and conserving the stables and temple, with potential future funding towards a related, separate project. Potentially there might be permissive access opportunities to enable visitors to the park to see the stables but not as a specific part of this Delivery phase.

Community Infrastructure Levy (CIL) funding had been approved linked to the role of Stover in meeting growth through the planning process. It was noted that the potential impact of planned increased visitor use would be a challenge if numbers were higher than anticipated. Additional information was requested regarding visitor numbers and projections.

Action: Richard Walton, Public Rights of Way and Country Parks Manager.

Funding details were being finalised with National Highways for the approved

grant regarding the Serpentine Lake and the Gatehouse.

Under-represented audiences and social enterprise organisations were being encouraged to use the park with supported visits and a focus on health and well-being. This work was progressing really well.

King Charles III England Coast Path

Works previously mentioned had been completed. Grant bids would be submitted on the Kingswear to Lyme Regis stretch within the next couple of months. Some improvement works had been completed since the initial reports were written. Projects identified were minor signage around the Exe Estuary and improved steps and handrails at Froward Point.

At Mothecombe in south Devon costings were being put together for steps in the wall at the top of the beach to enable it to become the high tide route.

Designation of the sections between Combe Martin and Marsland Mouth and Cremyll to Kingswear had not been finalised. These were due with the Secretary of State imminently with a decision likely early to mid-2024.

Other works

Improvements for disability access at the Tavistock Canal and on the South West Coast Path at Wembury, where a compressed stone path had been put in, were commended. Richard Walton confirmed that the Tavistock Ramblers had been pivotal in driving improvements forward on the Canal and the National Trust and South West Coast Path Association similarly at Wembury.

Highways Capital Innovation Fund

A bid had been put in to trial different surfaces to reduce carbon impact, including recycled rubber.

10. Rights of Way Improvement Plan review update and notes of DCAF working group

Richard Walton, Public Rights of Way and Country Parks Manager, confirmed that the timetable for the RoWIP review had been revised to allow more feedback from organisations, including some who had not previously had the opportunity to comment, such as the Slow Ways project. Some of the proposed updates already logically flow into policy and have informed the Highway Infrastructure Asset Management Plan.

DCAF members were asked to suggest any organisations which might not have been consulted.

Action: DCAF members

The Highway Asset Management Plan had now gone through formal adoption process.

The revised proposal was for wider public consultation to take place in October. A further DCAF working group was suggested for late November. An update would go to the PRow Committee in November. It was envisaged that the final version would go to the January meeting of the DCAF and the Public Rights of Way Committee in March 2024.

Dates for a DCAF working group would be circulated.

Action: Forum Officer

Gordon Guest confirmed that the Sensory Trust document on Outdoor Accessibility, referenced on page 30 in the DCAF working group notes, covered all protected characteristics. The Government specifically mentioned wheelchairs and mobility scooters in its references to public rights of way.

Cllr Hellyer said councillors had been present at demonstrations of different types of highway surface, including elastomac which was self-sealing.

11. Defra response on dog issues

The Defra responses were noted. Disappointment was registered that the responses had not dealt with the main subject, the complexity of legislation, and had a focus on dangerous dogs.

It was agreed it would be useful to share information with other LAFs and see if a joint approach was possible. Organisations such as the Dogs Trust were mentioned, plus working with Natural England to clarify the position on different land types. A draft document, incorporating earlier research, would be agreed with DCAF members and circulated more widely.

The role of education in informing members of the public was discussed. Whilst a concern was registered that there was a danger of extending beyond the legislative concerns, it was thought education flowed on logically. The main focus was on scope for harmonising the legislation.

It was suggested it would be useful to see whether any members of the Responsible Dog Ownership Working Group are based in the south west.

Action: Forum Officer

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

12.1 Shercroft Close, Broadclyst to Mosshayne Lane (Devon County Council, DCC/4336/2023)

The response was noted and approved.

12.2 Felling licence, Trenchard Farm. Forestry Commission

The response was noted and approved.

12.3 Planning application for multi-use trail. Buttercombe - Foxhunters, West Down. DCC/4363/2023

The response was noted and approved.

Feedback had been received from the agent submitting the application.

- *The proposed bollards are easily removable using a key to unlock, allowing you to then pull them from a fixed ground socket. The ground socket is installed flush with the finished ground level and does not present a trip hazard. Identical bollards have recently been installed on the Tarka Trail near Braunton by DCC's PROW Team.*
- *With regards to the proposed surfacing, the trail will have a bound, tarmacked surface. The Design Manual for Roads and Bridges design standard CD 143 (Designing for walking, cycling and horse-riding) classifies this type of construction as being 'good' for horse-riding.*
- *This type of material will provide a more durable surface, which will require far less maintenance in future when compared to a crushed stone to dust option.*
- *Parts of the trail are also subject to occasional agricultural vehicle movements (which have an agreed right of way over the track), so therefore a crushed stone to dust surface would most likely need more regular maintenance at this location.*
- *Long lengths of the existing Tarka Trail between Braunton and Torrington have a tarmacked surface.*

Concern was expressed at the engineered surface and it being intrusive in the landscape. It was thought asphalt could be laid at particular crossing points. Defra funded stone to dust tracks for agricultural vehicles so this surface is appropriate for agricultural use. Although stone to dust required regular maintenance, tarmac had a high initial capital cost. It was resolved to re-emphasise the desire for a different surface.

Action: Forum Officer to circulate draft

13. Current consultations

13.1 Lower Brenton Farm landfill application DCC/4337/2023

Two public questions had been received:

1. Question received from a member of the public

The stated objectives for the Devon Countryside Access Forum are to improve public access to land for the purposes of open air recreation and enjoyment.

Devon County Council's Green Infrastructure Strategy highlights the special qualities, distinctive character and diversity of Devon's landscapes, which is highly valued by those who live within and visit the county. One of its key guiding principles is:

"To protect, manage and plan an attractive green infrastructure network that conserves and enhances access to and enjoyment of valued landscapes for recreation, education and lifelong learning".

The proposed landfill site at Brenton Road sits in an Area of Great Landscape Value and should therefore be protected. Siting large earth bunds next to public footpaths and rights of way will destroy views currently enjoyed by walkers. Add to that, the noise generated by plant and vehicle movements on the site will eliminate the existing tranquility.

BT Jenkins have uploaded documents in support of their application. When the revised planning application (DCC /4337/2023), despite a second attempt at mitigation, is clearly in contravention of these stated objectives, how can approval for a landfill site operating for a minimum of 10 years be considered in any form?

2. Question received from John Nuttall

As a group of concerned local residents who all enjoy the local PRowS in the area of the proposed landfill site consisting of 3 footpaths:

- *Shillingford St George 14*
- *Kenn 54*
- *Kenn 16*
- *1 Bridleway, Shillingford St George 19*
- *Shillingford Lane, which is mostly used by walkers, horse riders and cyclists, and little used by motor vehicles*
- *Sampsons Hill unsurfaced county road*

It is our understanding that the forum is promoting improvements to and the enjoyment of PRowS. We are worried about the use of heavy machinery and a recycling plant, all of which will create noise and dust which affect all of the above paths, as well as spoiling the fabulous views.

What can you do to help maintain this rural area and prevent it becoming an industrial site for at least the next 10 years?

Sarah Slade and the Forum Officer had visited the site. This followed an earlier visit accompanied by Jo Burgess. Some initial reflections on the planning application had been sent to members and were discussed. These

focussed on:

- The bunds designed to reduce noise and dust would impact on the experience of using the public rights of way.
- Kenn footpath 16 would be gated where it crossed the site entrance road, now located to the south. The onus was on access users to cross safely rather than on the site operators to ensure vulnerable users were protected.
- Alongside Kenn footpath 54, it was proposed to offset a fence 4 m from the centre of the hedge. This was not considered adequate due to potential vegetation growth and the width of the hedge.
- Use of Shillingford Lane by access users had not been considered in creating the throughway to the upper landfill fields.
- Long views across the area would be impacted by bunds and subsequently by high hedges after restoration.

Additional points were raised. The consultants' reports included their judgements about mitigation and the impact of lorry movements. The proposed movements were 150-200 per day with working times from 7.00 a.m. to 6.00 p.m. daily and Saturdays from 7.00 a.m. to 1.00 p.m. These working times gave little opportunity for people to enjoy the PRow at times of quiet. It was suggested a planning condition could be justified to limit hours of operation on the site.

The operating hours also had an impact on safety of the crossing if people were using the public right of way at dusk.

Whilst any Environment Impact Assessment took account of dust and noise these could still impact on access users, even if at legal levels. This was difficult to monitor. There were statutory controls on crusher noise levels.

It was possible there could be mud and debris if wheels were not adequately cleaned.

The Phase 3 drawing referred to a cow track. It was not clear how this related to the adjacent public right of way and what the surfacing would be. Moving the fence to the north of the bund by the office and recycling centre was suggested.

Richard Walton, Public Rights of Way and Country Parks manager, reminded the Forum that the landowner/occupier does not have the right to put gates up on the public right of way. This could potentially be deemed an obstruction. Concern was raised by members as to whether Equality Act breaches might also be an issue.

The proximity of the public rights of way in the landfill area to new housing developments around the A379 meant it was likely PRow would be more used and valued.

It was unclear whether the site operator or the PRow team would bear the additional costs of vegetation clearance on public rights of way and

vegetation growing out from bunds.

Members of the public present gave clarification on some points. They also mentioned that the new scheme was more disruptive as more public rights of way were impacted for the duration of the landfill operation. Shillingford Lane was used for recreational access. The bunds would be there for ten years and might potentially slip. Concern was expressed about cyclists using the Brenton Road overbridge or travelling across the entrance to the A379. The office and recycling area was large and would have crushers working with piles of waste. Bulldozers would be working across the landfill area.

A response to the planning application would be drafted and circulated for approval.

Action: Forum Officer.

13.2 A379 bridge

Chris Cole, Gordon Guest and the Forum Officer had been out on site with the bridge engineer and contractors in August. The initial proposal for a landing on the steep approach to the bridge had not been included but there were now plans to incorporate a rest area by taking down an area of fencing and cutting back into the bank. The bridge design was excellent and interesting with artwork and seating areas. The staggered swing barriers, which could be unlocked for maintenance, were easy to get through and highly visible.

Drawings for the rest area would be circulated to members for comment when available.

Action: Forum Officer

13.3 Felling Licence Application ref 018/2870/2023 Woldford Lodge (Dunkeswell Turbary)

A number of felling licences were coming through. These were usually for reasons of disease control or habitat management. There was a brief discussion about whether a standard response should be made but no definite conclusion was reached.

This licence was to fell scrub encroaching on priority heathland and to manage it with grazing cattle using no-fence technology. It was resolved to send a response incorporating the following points:

1. Signs should be erected to explain no-fence technology to the public should they be concerned about cattle grazing.
2. An emergency telephone number should be included should the no-fence technology fail.
3. It would be helpful to know timing of works.

On this occasion no public right of way was involved. There is one main track across the common. If felling took place across a public right of way a temporary traffic regulation order could be put in place.

Action: Forum Officer to circulate draft.

14. To approve annual report

The draft Annual Report was approved and would be published and submitted to Natural England.

Action: Forum Officer

15. Any other business

15.1 Local Cycling and Walking Infrastructure Plans

It was noted a number of Local Cycling and Walking Infrastructure Plans were being developed, including Cullompton and Tiverton, the Clyst Valley and County-wide. A response had been submitted earlier to the Exeter LCWIP.

It was agreed these were incredibly detailed and complex and it was difficult to give meaningful advice without knowledge of the area. DCAF members as individuals could respond.

It was noted that the LCWIPs were very commuter focussed yet leisure was highly important, particularly in rural areas and coastal towns. On the ground there was often little distinction between leisure and commuting.

It was resolved that the DCAF should continue to respond where it could. The process was well-designed but the critical part was what difference comments made.

The Forum Officer agreed to pull together some extracts from the DCAF position statements which could be used alongside specific comments.

It was agreed that individual members could attend meetings as fact finding on behalf of the forum. Gordon Guest had been permitted to attend a presentation on the Cullompton and Tiverton LCWIP following email exchanges with the consultants, WSP, and had a particular interest in the links from Tiverton to Cullompton and Killerton. The concern was how local knowledge was included. With the urban focus, Gordon felt that the main priority was footpaths along main roads rather than better alternatives.

The LCWIPs, following internal scrutiny and some key stakeholder involvement, would go out for public consultation. It was agreed the DCAF should ask to be represented and involved in efforts to include wider leisure use and horse-riding, preferable at an early stage.

Action: Forum Officer

It was proposed that a letter should go to Government. This would be considered in future.

15.2 Open access review

Natural England had confirmed that the review of open access maps would now take place in 2030 and initial planning had commenced.

15.3 Natural England Local Access Forum Sharepoint site

Natural England had set up a SharePoint site to facilitate working between local access forums. This had replaced the earlier Huddle site. It was at an early stage and details would be circulated. It was suggested this would be a place to share the information on dog legislation.

Action: Forum Officer

Additional items

15.4 Succession planning

The Chair raised the matter of succession planning for the positions of Chair and Vice Chair and suggested members should consider a transition period so ensure stability of the Forum. This would be on the agenda for the meeting in January.

Action: Forum Officer.

15.5 Disability access information

Gordon Guest had prepared an information sheet on disability access, available for members. This had also been emailed.

15.6 Ramblers' training event

Tim Spray reported there were spare places on a Ramblers' legal day on intermediate rights of way training at Chudleigh on 30 September. Anyone interested in attending to contact him.

Action: DCAF members

15.7 Equestrians and multi-use

Philip Hackett, Regional Access Officer for the British Horse Society, reiterated the importance of permitting horses to use off-road recreational trails.

16. Date of next meeting and meeting dates 2024/2025

The dates of meetings for forthcoming meetings were confirmed as:

Monday, 22 January 2024
Monday, 22 April 2024
Monday, 23 September 2024
Monday, 20 January 2025

A training date would be fixed early in 2024. The Tamara Coast to Coast trail was suggested. Revisiting the Lower Otter Restoration Project and associated landscape recovery project would be useful in a couple of years' time.

Meeting with other LAFs on a training day was mentioned and Philip Hackett, Chair of the Dorset LAF, would welcome this. It was noted that the Plymouth and Torbay LAFs appeared to be in abeyance.