



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

Tel: 07837 171000
01392 382084

hilary.winter@devon.gov.uk

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, Lympstone 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.