



**Devon Countryside Access Forum**  
**Lucombe House**  
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**Fifty-First meeting**  
**Devon Countryside Access Forum**

**The Kenn Centre, Exeter Road, Kennford EX6 7UE**

**Tuesday, 9 October 2018 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. Apologies
2. Declaration of interests
3. Minutes of the meeting held on April 26 2018 (Pages 1 - 12)
4. Matters arising
  - 4.1 Exe Estuary Partnership Dog Walking Code (12.3 26.04.18)
5. Public questions
6. Correspondence log (Pages 13 - 20)
7. Report from Training Day held at Haldon Forest Park
8. Launch of the National Land Access Centre (Pages 21 - 26)
9. Disability access update
10. Update on actions following presentation from the Highway Asset Manager

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

To include report of meeting with representatives from Devon Trail Riders' Fellowship.

11. Public Rights of Way update
12. Minutes of the Public Rights of Way Committee held on 5 July 2018 (Pages 27 - 30)
13. Presentation by Roger English, South Devon AONB Manager
14. Areas of Outstanding Natural Beauty position statement (Pages 31 - 34)

To consider updating the DCAF AONB position statement in the light of forthcoming AONB Management Plan review consultations.
15. Green space position statement

To discuss convening working group to prepare draft.
16. Coastal access progress reports from Natural England
  - 16.1 North Devon - Combe Martin to Marsland Mouth (Pages 35 - 38)
  - 16.2 South Devon - Cremyll to Kingswear (Pages 39 - 42)
17. To note and approve responses to consultations and any feedback
  - 17.1 Health and harmony: the future for food, farming and the environment in a Green Brexit. Defra (Pages 43 - 46)

To note and approve DCAF response.
  - 17.2 Cycling and Walking Investment Strategy Safety Review (Pages 47 - 54)

To note and approve DCAF response to the call for evidence.
  - 17.3 Children's health and physical activity. ukactive (Pages 55 - 58)

To note and approve DCAF response.
  - 17.4 Stover Country Park. Heritage Lottery bid (Pages 59 - 60)

To note and approve DCAF bid support letter.
  - 17.5 Local Plan Review - Issues Consultation. Teignbridge District Council

(Pages 61 - 62)

To note and approve DCAF response.

- 17.6 Clyst St Mary multi-use trail - 18/1893/FUL. East Devon District Council  
(Pages 63 - 64)

To note and approve DCAF response.

18. Current consultations

- 18.1 New cycling offences: causing death or serious injury when cycling.  
Department for Transport (Pages 65 - 70)

19. South West Coast Path stakeholder meeting

20. Training Day on 2026

To confirm attendees for event on Thursday, 29 November, near Taunton.

21. Any other business

22. Date of next meeting

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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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.

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## 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

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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.

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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

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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.

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## **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.

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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 18<sup>th</sup> or 20<sup>th</sup> 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.



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

	Sender	Subject	Action and any feedback
1	Devon County Council, South Hams District Council, Dartmoor NP, Torbay Council, Teignbridge District Council 16.04.18	Greater Horseshoe Bats Supplementary Planning Document. Draft document for South Hams Special Area of Conservation.	Outside remit.
2	Mid Devon District Council 25.04.18	Public Consultation Event – Tiverton Town Centre Regeneration Masterplan. Supplementary Planning Document	Not relevant to remit
3	NICE 21.05.18	NICE guideline PH54 Physical activity: exercise referral schemes. Consultation on decision not to update guidelines.	Discussed with Chair. Marginal and decision made not to respond.
4	Defra 8.06.18	Consultation on the third tranche of Marine Conservation Zones (MCZs), in which 41 new sites and the addition of new features to 12 existing MCZs have been proposed.	Not relevant to on-shore recreation. Not within remit.
5	Exmoor National Park 12.06.18	In April 2016, the BHS circulated a paper to all Local Access Forums titled 'Auditing the List of Streets: A Role for Local Access Forums'.  Exmoor LAF is setting up a working group to look at the implications on Exmoor.  DCAF was approached by the Exmoor LAF Secretary to ascertain whether it had investigated this matter and, if so, to share responses.	The DCAF had already approached the Assistant County Solicitor and details of correspondence were forwarded to Exmoor.
6	Exbourne Neighbourhood Plan. Committee member 13.06.18	Copied into letter to DCC Public Rights of Way about the Devon Rights of Way Improvement Plan and potential PRoW improvements in Exbourne. Also copied in to correspondence with the Diocese of Exeter in connection with the legal status of paths through churchyards.	Sent DCAF position statements on Disability Access and Neighbourhood Plans.

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7	DCC 22.06.18	Town and Country Planning General Regulations 1992 - Regulation 3 Construction of a trail at Hole Station, Road From Windmilland Cross to Dismantled Railway, HIGHAMPTON, EX21 5JH. The above application was withdrawn by the applicant (DCC) on 21 June 2018.	Noted. The Devon County Council Planning Officer is not aware of plans for resubmission.
8	British Horse Society County Access Officer 24.06.18	Copied into correspondence from the BHS County Access Officer to Exmouth Town Council in response to an article in the Western Morning News stating that as a result of "one or two complaints" Exmouth Town Council was considering applying to East Devon District Council for a Public Spaces Protection Order (PSPO) excluding horse riding on Exmouth Beach between the hours of 10am and 6pm all year round.	A subsequent copy of an email from the Town Clerk confirmed that the Town Council was in the very early stages of gathering evidence. Any potential Public Spaces Protection Order would be consulted on.
9	East Devon and Blackdown Hills AONB 25.06.18	Landscape Character Assessment - East Devon and Blackdown Hills AONB.	<p>DCAF member due to attend workshop but unable to at last moment. In consultation with the Chair and Vice Chair a brief response to the survey was made reflecting advice previously given by the DCAF – the importance of:</p> <ul style="list-style-type: none"> <li>• conserving and enhancing the natural beauty and landscape of the AONBs and wider area.</li> <li>• opportunities to appreciate the tranquillity and enjoy the scenery through quiet enjoyment of public rights of way.</li> <li>• changes to agricultural support/profitability which may impact on the landscape in the future.</li> <li>• a vision for a landscape that is well-maintained by land managers for food production and conservation, whether by individuals or organisations. It should allow for recreational access and enjoyment of public rights of way, cycle/multi-use trails, designated access land and permissive access.</li> </ul>

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10	East Devon District Council 04.07.18	Consultation on the Statement of Community Involvement.	<p>Contacted EDDC to confirm the DCAF's status regarding the SCI. The response was that the DCAF is consulted when producing general planning documents (so it can respond if it thinks they might be of interest) and with regard to specific documents that relate to the DCAF's area of interest.</p> <p>Requested that the DCAF is added to the consultation list for significant planning applications and Neighbourhood Plans.</p>
11	Torridge District Council 05.07.18	<p>Consultation under the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Planning)(England) Regulations 2012 and Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004.</p> <p>Following independent examination of the North Devon and Torridge Local Plan, the Inspector has asked the Councils to consult on a further Main Modification, which is considered necessary to make the Plan sound. This relates to reducing the housing allocation in Buckland Brewer (Policy BBR04).</p>	No action required.
12	Teignbridge District Council 10.07.18	Consultation on the Statement of Community Involvement.	Wrote and received confirmation that the DCAF is a non-statutory consultee on the SCI.
13	Member of public 16.07.18	Missing footpath signs in Puddington	Referred to Public Rights of Way Warden.
14	Defra 24.07.18	Report to Parliament about Inshore Fisheries and Conservation Authorities (IFCAs) conduct and operation: a 'Call for Evidence'	Outside remit.
15	Open Access Centre 21.08.18	<p>Case number 2018088743</p> <p>Discretionary restriction under Section 22 of the Countryside and Rights of Way Act 2000.</p> <p>The restriction applies to land at Hartridge Hense Moor and Luppitt</p>	Noted.

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		<p>Common for the following dates in 2019:</p> <p>Thursdays 3, 10, 17, 24 and 31 January Friday 1 February</p> <p>6 of the 28 days allocated to this case have now been used.</p>	
16	<p>Open Access Centre 21.08.18</p>	<p>Case number 2017098519</p> <p>Discretionary restriction under Section 22 of the Countryside and Rights of Way Act 2000.</p> <p>The restriction applies to land at Hartridge Hense Moor and Luppitt Common for the following dates in 2018:</p> <p>Thursdays 4, 11, 18, 25 October Thursdays 1, 8, 15, 22, 29 November Thursdays 6, 13 and 20 December</p> <p>19 of the 28 days allocated to this case have now been used.</p>	
17	<p>Land Charges DCC 05.09.18</p>	<p>Commons Act 2006 Notice of an application for the registration of land as a town or village green (Ref: New land 55).</p> <p>Application has been made to the registration authority, Devon County Council, by the applicant, Mrs Cross under section 15(1) and Section 15(2) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.</p> <p>The applicant seeks the inclusion in the register of Town or Village Greens of the land described in the application as, Ermington Park, Ermington Playing Field, Ermington Recreation Field which is claimed to have qualified for registration as a Town or Village Green.</p>	<p>Noted. A legal process. Insufficient knowledge to respond.</p>

		<p>To be so registered, the Registration Authority will need to be satisfied that a significant number of the inhabitants of the locality, or of a neighbourhood within the locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years, and continued to do so at the time of the application.</p> 	
18	<p>Teignbridge District Council 06.09.18</p>	<p>The Teignbridge Local Plan 2013 – 2033 (Policy NA3) allocates land at Wolborough, Newton Abbot for at least 1,500 new homes, 10 hectares of land for employment, a road linking the A380 (South Devon Highway) to the A381 (Totnes Road), education facilities, and other associated community facilities.</p> <p>The draft Development Framework Plan (DFP) for Wolborough is out for consultation</p>	<p>In consultation with Chair/Vice Chair sent DCAF Planning and Disability Position Statements. Advised members of details should anyone wish to draw attention to matters which should be raised.</p>
19	<p>Open Access Centre 10.09.18</p>	<p>Case number 2017098519</p> <p>Discretionary restriction under Section 22 of the Countryside and Rights of Way Act 2000.</p> <p>The restriction applies to land at Hartridge Hense Moor and Luppitt Common for the additional date of 9 October in 2018. 20 of the 28 days allocated to this case have now been used.</p>	<p>Noted.</p>

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20	<p>Torrige and North Devon District Councils 13.09.18</p>	<p>Regulation 25: Town and Country Planning (Local Planning)(England) Regulations 2012 - Notification of publication of the report on the Examination of the North Devon and Torrige Local Plan.</p> <p>The Inspector in her report concludes that the Local Plan can be made sound and capable of adoption with the application of the recommended Main Modifications that are provided as an Appendix to her report.</p> <p>Arrangements are now being made to allow for the consideration of the Inspector's report by the membership of the Councils, to enable the Local Plan to be formally adopted.</p>	<p>Noted. Some of the Main Modifications relating to access are below with additions underlined. These indicate the significance attached to the Tarka Trail.</p> <p>BID05 (Bideford)</p> <p>Amendment to criterion 2. New criteria (c) <u>integrated pedestrian, cycle and public transport networks that provides connections to neighbouring residential and commercial areas;</u></p> <p>BRA02A (Braunton) Add new policy after paragraph 10.165:</p> <p>Land East and West of Staggers Lane (approximately 15 hectares), as identified on Policies Map 3, will be planned comprehensively to deliver a mixed-use development that includes: (f) <u>enhancing the existing network of local and strategic green infrastructure through and around the site including the provision of public open spaces and an enhanced biodiversity network;</u> (g) <u>new footpath and cycle access onto the Tarka Trail;</u></p> <p>Add new paragraphs after Policy BRA2A (Braunton)</p> <p><u>10.165D The nearest primary and secondary schools are along Wrafton Road, access to which requires a new pedestrian crossing of the A361. Provision of a new pedestrian crossing should be delivered comprehensively with improvements at Rectory Close Cross required by Wrafton Glebefield (Policy BRA02). New or enhanced pedestrian and cycle links to the Tarka Trail will serve both the proposed housing and existing business at Perrigo.</u></p>
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			<p>FRE02 (Fremington)</p> <p>(k) <u>provision of a public car park for users of the Tarka Trail;</u></p> <p>(l) <u>improvements to the existing road junction with the B3233;</u></p> <p>(m) <u>improved pedestrian and cycle links through and around the site and from the B3233 to the Tarka Trail; and</u></p> <p>(n) <u>appropriate traffic management measures where vehicular traffic crosses the Tarka Trail to reduce conflict with, and improve safety for, pedestrians and cyclists using the Tarka Trail;</u></p> <p>(o) <u>provision of a 10 metre landscape buffer along the developable site frontage alongside the Tarka Trail;</u></p> <p>10.197</p> <p>Amend paragraph: Vehicular access to the site will be along the access road off <u>an improved junction</u> with the B3233, as well as providing pedestrian and cycle links to the Tarka Trail. <u>A new public car park of approximately 30 spaces will be provided for users of the Tarka Trail.</u></p> <p>Development at Yelland Quay will need appropriate traffic management where it crosses the Tarka Trail to reduce conflict with and improve safety for pedestrians and cyclists using the Tarka Trail.</p>
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*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.*





## **Launch of the National Land Access Centre 14 September 2018**

I attended the launch of the National Land Access Centre, which took place at Aston Rowant National Nature Reserve in the Chilterns AONB.

The launch information describes its purposes thus:

“The National Land Access Centre has been developed to demonstrate the use, maintenance and installation of gaps, gates and stile which meet the new British Standard for countryside access.

“The centre has been developed by Natural England, in partnership with the British Horse Society, Centrewire and the Pittecroft Trust, to demonstrate how access to the countryside can be improved for those with mobility needs, horse riders, cyclists and walkers.

“Training courses will be available to land managers, rights of way officers and users, to help understanding of the new standard and its application. Practical and classroom based training will demonstrate safe and appropriate use, correct installation and maintenance on a range of infrastructure.

“The centre will also consider the performance of the structures, including the robustness of the infrastructure, and user feedback will be monitored over time. This will influence the design and development of future gates and structures which will also be trialled on the site.

“The centre will continue to test new equipment and trial designs to help everyone access and enjoy the countryside.”

There were a large number of people attending the launch, including members of local access forums, rights of way officers, AONB and wildlife trust reserve managers, and representatives from the Forestry Commission, Defra, Natural England, Disabled Ramblers, and a number of user groups, including BHS, Ramblers and Open Spaces Society.



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Following the opening of the centre by Lord Blencathra (deputy Chairman of Natural England), users, disabled ramblers and horse riders demonstrated the use of the various structures, and we were able to inspect the different structures.

The Bridlegate Trial run by Natural England (which took place in 2015) informed much of the work of the British Standard, particularly with regard to self-closing gates. That trial also noted that many horse riders were not aware of how to open and close a gate correctly, and this lack of knowledge was leading to difficulties passing through gates. It recommended that riders should receive training and I understand from discussion that this centre is one place where this could now happen.

Watching some of the riders on the day, it was clear that training in how to open gates remains an issue, notwithstanding that these appeared to be experienced riders. The most popular gate for the horse riders was the Swiss gate, and this is probably because no particular technique is needed to open the gate!

Sarah Slade



*A rider demonstrating a self closing bridlegate.*



*A rider attempting to open a gate from the wrong end. Riders should approach from the hinge end of the gate.*



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*The propotype Swiss gate, popular with riders.  
All the gates were marked with yellow at opening points in accordance with the new British Standard. It was pointed out that the entire ring could be painted yellow, as the gate can be opened at any point along the ring. There is a separate lower latch for walkers.*



*The Swiss gate could be opened from any angle. Some people suggested that it was not an attractive structure, and could be intrusive, especially in protected landscapes.*





*Scooter passing through a motorcycle inhibitor  
This model passed through easily.*



*A tramper attempting the same structure. It also passed through, but very accurate driving  
was required!*

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*A timber kissing gate with bypass. Although to British Standard, you can see that this only just fits the mobility scooter. In the foreground is a metal kissing gate with 'radar' key opening bypass.*



## PUBLIC RIGHTS OF WAY COMMITTEE

5 July 2018

Present: -

Councillors P Sanders (Chair), T Inch, J Brook, P Colthorpe, A Dewhirst, L Hellyer and M Shaw

Apologies: -

Councillors I Chubb and C Whitton

\* **65**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 15 March 2018 be signed as a correct record.

\* **66**      **Chair's Announcement**

The Chair thanked the Officers for the informative and constructive training provided for Members prior to the meeting.

\* **67**      **Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 26 April 2018 which covered a wide range of matters including a dog walking code for the Exe Estuary and a well received presentation by the County Council's Highways Asset Manager.

\* **68**      **Definitive Map Review 2017/18 - Parish of Eggesford**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure, Development and Waste (HIW/18/42) which examined the Definitive Map Review in the Parish of Eggesford in the Mid Devon District.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Inch, and

**RESOLVED** that it be noted that the Definitive Map Review had been completed in the Parish of Eggesford and no modifications were required to be made.

\* **69**      **Definitive Map Review 2017/18 - Parish of Feniton**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/43) which examined the Definitive Map Review in the Parish of Feniton in the East Devon District.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Inch, and

**RESOLVED** that it be noted that the Definitive Map Review had been completed in the Parish of Feniton and no modifications were required to be made.

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PUBLIC RIGHTS OF WAY COMMITTEE  
5/07/18

\* **70**      **Definitive Map Review 2018 - Parish of Shaugh Prior**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure and Waste (HIW/18/44) which examined the Definitive Map Review in the Parish of Shaugh Prior in the South Hams District.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Inch, and

**RESOLVED** that it be noted that the Definitive Map Review had been completed in the Parish of Shaugh Prior and no modifications were required to be made.

\* **71**      **Definitive Map Review - Parish of Combe Martin North Devon - Part 6**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/45) which examined the last proposal from the 25 that had arisen from the Definitive Map Review in the Parish of Combe Martin in the North Devon District.

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

**RESOLVED** that a Modification Order not be made in respect of Proposal 25, between points A-B-C-D and C-E as shown on drawing number HIW/PROW/18/25 in the Report.

\* **72**      **Addition of a public footpath from the County road opposite Broadmoor Farm to the County road south of Watergate Bridge in the Parish of Chittlehampton**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/46) which examined a Schedule 14 Application made in December 2017 by a resident of Chittlehampton for the addition of a public footpath in the Parish.

The Chair reported on written representations from Mr and Mrs Sherwood in support of a Modification Order.

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

**RESOLVED** that a Modification Order not be made in respect of the application.

\* **73**      **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/18/47) on decisions and directions received from the Secretary of State.

\* **74**      **Modification Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/48) on a Modification Order confirmed as unopposed under delegated powers, namely:-

Footpath No. 15, Parkham Definitive Map Modification Order 2018.



\* 75

## **Public Path Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/49) on Public Path Orders made and confirmed under delegated powers, namely:

### Diversion Orders

- (i) Footpath No. 11, Welcombe Public Path Diversion & Definitive Map and Statement Modification Order 2018;
- (ii) Footpath No. 8, Burrington Public Path Diversion & Definitive Map and Statement Modification Order 2017;
- (iii) Footpath Nos. 7 & 19, Okehampton Public Path Diversion & Definitive Map and Statement Modification Order 2017; and
- (iv) Footpath No. 8, Parkham Public Path Diversion & Definitive Map and Statement Modification Order 2017

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 3.00 pm





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## **Areas of Outstanding Natural Beauty**

### **Devon Countryside Access Forum**

#### **POSITION STATEMENT Access and Recreation**

The Devon Countryside Access Forum is a statutory local access forum under the Countryside and Rights of Way Act 2000. Its remit is to provide independent advice “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...” Its geographical area of coverage is Devon, with the exception of the Unitary Authority areas and National Parks which have their own forums.

The DCAF has fifteen members, appointed by Devon County Council, who represent the interests of access users, landowners/managers and other areas of expertise such as health and conservation.

The Position Statement on AONBs has been prepared in order to provide a consistency of advice across the five AONBs within Devon. Section 94 of the Countryside and Rights of Way Act makes it a statutory function of forums to give advice to specified bodies, including Area of Outstanding Natural Beauty Conservation Boards.

The DCAF considers the following aspects to be important in the Management Plans for the AONBs.

#### **Vision Statement**

The Devon Countryside Access Forum recognises the function and primary purpose of the AONBs. It supports a vision conserving and enhancing the natural beauty and landscape of the AONB. Opportunities to appreciate the tranquillity of the AONB and enjoy the scenery through quiet enjoyment should be the focus of chapters on access and recreation.

#### **Key facts**

The AONB Management Plan should identify the extent of recreational opportunities in the AONB including the length of public rights of way, area of

The Devon Countryside Access Forum 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.

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access land, important recreational trails and routes and other opportunities for recreational access such as beaches, country parks, permissive access and Forestry Commission, National Trust and Woodland Trust land.

## **Objectives and Policies**

These are inter-linked. The DCAF has identified the following aspects as key matters which AONBs should include within their Management Plans. AONBs should:

### *Maintenance and improvement*

- a) liaise with the local highway authority over opportunities to sensitively enhance access and remedy deficiencies for particular groups of users;
- b) refer to the role of the local highway authority in maintaining public rights of way, unsurfaced unclassified County roads (uUCRs) and cycle/multi-use routes;
- c) acknowledge the financial and other constraints which might limit the extent of future local highway authority involvement in public rights of way maintenance and improvements;
- d) refer to the role of Parish Paths Partnership (P3) groups and other voluntary groups in maintaining public rights of way and other areas of land enjoyed by the public;
- e) liaise with the local highway authority and other partners to identify funding sources to enable improvements to take place, particularly links between paths;
- f) liaise and consult with landowners when new routes are proposed;
- g) ensure surfacing of multi-use routes permits access by all users. Routes should be compatible with the landscape and sensitive to the location.
- h) seek to work with partners to improve the safety of access users, particularly on roads or where rights of way join roads;
- i) make reference to the Rights of Way Improvement Plan (DCC, 2005) and the Devon Countryside Access Forum. The Devon Countryside Access Forum is a statutory local access forum under the Countryside and Rights of Way Act 2000, with a remit 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.." Members of the DCAF represent the interests of access users, landowners/managers and other areas of expertise.

### *Promotion and economic and health benefits*

- j) work with the local highway authority and other partners to promote quiet, sensitive and sustainable recreational activities within the AONB;
- k) encourage people to linger and enjoy the landscape and spend money in the local economy;
- l) encourage the promotion of activities which support the health and well-being of residents and visitors to the AONB;
- m) seek opportunities to advise and educate the public on responsible use and enjoyment of the AONB;
- n) seek to encourage the use of public transport to explore the AONB.

## *Other matters*

- o) make reference to links with the Local Nature Partnership;
- p) liaise with planning authorities to explore the potential to secure developer contributions towards green infrastructure and associated facilities;
- q) ensure website information is up-to-date and accurate and identify links to associated information, for example access guides;
- r) identify policies to support the objectives and include details on potential partners;
- s) include measurable indicators to measure progress on priorities.

Whilst recognising the local distinctiveness of each AONB, the DCAF would value and encourage AONBs to adopt a unified format for their AONB Management Plans.

The DCAF has developed statements on planning related priorities for public rights of way and access and on liaison with landowners/managers when new routes are proposed. It has also done work for Devon County Council on developing a policy for multi-use of routes and associated design standards.



## **Coastal access and the England Coast Path – Combe Martin to Marsland Mouth Update on progress – September 2018**

### **Introduction**

Natural England is investigating how to improve coastal access along a 128km stretch of the Devon coast between Combe Martin and Marsland Mouth. This new access is expected to be ready in 2020. Officers from Devon County Council are providing Natural England with expert local advice and helping to make sure there is full consultation with local interests during the development of the route.

We have completed stage 1 for the stretch. This has included:

- holding discussions with national and local organisations as well as interested individuals to get their ideas and concerns about current access along this stretch;
- assessing the problems, opportunities and constraints for improving access along this stretch of coast; and
- seeking to identify owners and occupiers of land that might be affected.

We are currently in stage 2 which is the main stage for dialogue with local landowners and other legal interests in potentially affected land. We share with them any initial thinking and ask for their views on coastal access. The route of the existing South West Coast Path National Trail (SWCP) is likely to be followed by much of the proposed England Coast Path (ECP) in this area and we will inform landowners where this is the case. Where improvements could be made to the existing SWCP route we will meet with landowners to discuss the best approach and ensure sensitive features are protected.

There will be a formal opportunity to comment on the proposals to improve coastal access at the end of stage 3, when a report for the stretch will be written up and submitted to the Secretary of State. This will be in 2019.

### **Update on progress**

The Combe Martin to Marsland Mouth stretch has been split into 10 working chapters as follows:

- Chapter 1: Combe Martin to Torrs Park, Ilfracombe
- Chapter 2: Torrs Park, Ilfracombe to Barton Road, Woolacombe
- Chapter 3: Barton Road, Woolacombe to Saunton Down
- Chapter 4: Saunton Down to Velator
- Chapter 5: Velator to Taw Bridge, Barnstaple
- Chapter 6: Torr Bridge, Barnstaple to Bideford Long Bridge
- Chapter 7: Bideford Long Bridge to Merley Road, Westward Ho!
- Chapter 8: Merley Road, Westward Ho! to Hobby Lodge, Clovelly
- Chapter 9: Hobby Lodge, Clovelly to Hartland Point
- Chapter 10: Hartland Point to Marsland Mouth

Progress to date on each of the chapters is summarised below.

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## **Chapter 1: Combe Martin to Torrs Park, Ilfracombe**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.

## **Chapter 2: Torrs Park, Ilfracombe to Barton Road, Woolacombe**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.
- There are some areas where we are looking at making improvements to the route of the SWCP/ECP and will shortly be holding discussions with landowners about possible options, including at Shag Point where the trail could be closer to the sea. At Mortehoe, the trail will follow the new route on National Trust land at Sharp Rock.

## **Chapter 3: Barton Road, Woolacombe to Saunton Down**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.
- There are some areas where we are looking at making improvements to the route of the SWCP/ECP and will shortly be holding discussions with landowners about possible options, including various options at Putsborough (potentially taking the route closer to the coast), Croyde (avoiding the dunes and cliff at Down End) and the difficult road crossing at Saunton Down.

## **Chapter 4: Saunton Down to Velator**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.
- There are some areas where we are looking at making improvements to the route of the SWCP/ECP and will shortly be holding discussions with landowners about possible options. These include a range of options at Saunton (where the route follows the busy B3231 for 400m), Braunton Burrows (where the route currently follows the tracks/roads landward of the golf course and sand dunes) and Braunton Marsh/Horsey Island.

## **Chapter 5: Velator to Taw Bridge, Barnstaple**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area, and we are informing landowners where this is the case.
- The ECP will follow the SWCP across the Taw Bridge, it being the first crossing point across the River Taw with pedestrian access.



## **Chapter 6: River: Torr Bridge, Barnstaple to Bideford Long Bridge**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.
- There are some areas where we are looking at making improvements to the route of the SWCP/ECP and will shortly be holding discussions with landowners about possible options, including minor changes in Bideford avoiding a steep set of steps where the route leaves the Tarka Trail close to Bideford Long Bridge.

## **Chapter 7: Bideford Long Bridge to Merley Road, Westward Ho!**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.
- There are some areas where we are looking at making improvements to the route of the SWCP/ECP and will shortly be holding discussions with landowners about possible options, including at Hubbastone Road, Appledore and Long Lane, West Appledore where the route currently follows narrow and busy roads for 1km and 650m respectively. There is also a minor change at Westward Ho! where the SWCP is now sign-posted to go landward of the cricket ground.

## **Chapter 8: Merley Road, Westward Ho! to Hobby Lodge, Clovelly**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.

## **Chapter 9: Hobby Lodge, Clovelly to Hartland Point**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.

## **Chapter 10: Hartland Point to Marsland Mouth**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.
- There are some areas where we are looking at making improvements to the route of the SWCP/ECP and will shortly be holding discussions with landowners about possible options, including at Sandhole Cliff where the route currently follows a minor road for 700m.



## **Coastal access and the England Coast Path - Cremyll to Kingswear Update on progress – September 2018**

### **Introduction**

Natural England is investigating how to improve coastal access along a 107km stretch of the Devon coast between Cremyll and Kingswear. This new access is expected to be ready in 2020. Officers from Devon County Council and Plymouth City Council are providing Natural England with expert local advice and helping to make sure there is full consultation with local interests during the development of the route.

We have completed stage 1 for the stretch. This has included:

- holding discussions with national and local organisations as well as interested individuals to get their ideas and concerns about current access along this stretch;
- assessing the problems, opportunities and constraints for improving access along this stretch of coast; and
- seeking to identify owners and occupiers of land that might be affected.

We are currently in stage 2 which is the main stage for dialogue with local landowners and other legal interests in potentially affected land. We share with them any initial thinking and ask for their views on coastal access. The route of the existing South West Coast Path National Trail (SWCP) is likely to be followed by much of the proposed England Coast Path (ECP) in this area and we will inform landowners where this is the case. Where improvements could be made to the existing SWCP route we will meet with landowners to discuss the best approach and ensure sensitive features are protected.

There will be a formal opportunity to comment on the proposals to improve coastal access at the end of stage 3, when a report for the stretch will be written up and submitted to the Secretary of State. This will be in 2019.

### **Estuaries**

As there are a number of estuaries on the Cremyll to Kingswear stretch, it is worth summarising Natural England's position on these. Under the 2009 Marine and Coastal Access Act, there is no requirement for the trail to extend up any estuary further than the seaward limit of the estuarial waters. But Natural England has a discretion to propose that the trail could extend from the seaward limit as far as the first bridge over which there is a public right of way or a public right of access to cross the river on foot. In exercising this discretion, Natural England must have regard to the considerations in the Coastal Access Scheme (the statutory methodology that underpins delivery of the England Coast Path).

One of the key considerations of the delivery of coastal access is to ensure that as far as is reasonably practicable, interruptions to the route are kept to a minimum. So if the presence of an estuary would interrupt this continuity of access along the coast then we need to look at whether the trail should serve the estuary too. We look at various criteria to make our decisions, including the nature of the land that would be affected, the topography of the shoreline, the recreational benefit, the extent of adjoining land that would be 'excepted land' and the existence of a ferry service – the existence of a ferry service is an important factor in our decision, if it crosses the estuary at a convenient place downstream from the first bridge and is available to foot passengers.

# Agenda Item 16.2

## **Update on progress**

The Cremyll to Kingswear stretch has been split into 10 working chapters as follows:

Chapter 1: Cremyll to Mount Batton Point  
Chapter 2: Mount Batton Point to the River Yealm  
Chapter 3: Yealm Estuary  
Chapter 4: River Yealm to the River Erme  
Chapter 5: Erme Estuary  
Chapter 6: River Erme to the River Avon  
Chapter 7: Avon Estuary  
Chapter 8: River Avon to the Kingsbridge Estuary  
Chapter 9: Kingsbridge Estuary to Torcross Point  
Chapter 10: Torcross Point to Kingswear

Progress to date on each of the chapters is summarised below.

### **Chapter 1: Cremyll to Mount Batton Point**

- Discussions with landowners and legal interests in Plymouth are ongoing.
- A study of the estuary based on the above criteria has been undertaken. A regular year round service such as that provided by the Mount Batton Ferry meets our requirement for a convenient crossing point and we are minded to propose that the ECP will cross at the ferry point between Plymouth and Mount Batton Point. However, it is the preference of Plymouth City Council and stakeholders for the South West Coast Path, for the SWCP to remain on its current alignment along the Waterfront Walkway to the crossing point on the A379 at Laira Bridge and so we will be proposing that the England Coast Path and the SWCP will diverge. The SWCP would retain its current approved route and the England Coast Path would utilise the ferry crossing.
- There are a number of waterfront sites currently being redeveloped in Plymouth or planned for redevelopment in the future. When proposals for development, including redevelopment, are being considered, we fully support Plymouth City Council's approach to include provision for the trail to be on the seaward side of any development wherever practicable.

### **Chapter 2: Mount Batton Point to the River Yealm**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.

### **Chapter 3: Yealm Estuary**

- A study of the estuary based on the above criteria has been undertaken. The conclusion is that we are minded to propose that the 'ordinary' route of the ECP will use the ferry crossing and an alternative route will be in place for when the ferry is not running. The alternative route around the estuary will follow public rights of way (PRoWs), a National Trust permissive route and part of the Erme-Plym trail.

## **Chapter 4: River Yealm to the River Erme**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. We are informing landowners where the route of the SWCP is likely to be followed by the proposed ECP in this area.

## **Chapter 5: Erme Estuary**

- The Erme Estuary can only be crossed on foot by fording at low tide, the best route being roughly between the two slipways at Mothecombe and Wonwell. If crossed within an hour of low tide the water is generally no more than knee deep, although this can differ depending on weather and floodwater conditions. Information boards are situated at each side of the estuary.

In coming to a decision whether to exercise our estuary discretion, we have held discussions with the major landowner and considered the various criteria relating to the estuary, including the nature of land that would be affected, the topography of the shoreline, the recreational benefit and the extent of adjoining land that would be excepted (e.g. historic parkland).

We are minded to propose that the ECP will cross the Erme Estuary at the low tide crossing point on foot as it does at present. We will work with the landowners and key stakeholders to look at improving existing information provision for users.

## **Chapter 6: River Erme to the River Avon**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely to be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.

## **Chapter 7: Avon Estuary**

- Discussions with the major landowner are ongoing, looking at the opportunity to bolster the current ferry crossing and to include an alternative route based on the Avon Estuary Trail.

## **Chapter 8: River Avon to the Kingsbridge Estuary**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. The route of the SWCP is likely to be followed by much of the proposed ECP in this area and we are informing landowners where this is the case.

## **Chapter 9: Kingsbridge Estuary to Torcross Point**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. We are informing landowners where the route of the SWCP is likely to be followed by the proposed ECP in this area.
- There are a number of areas where we are holding discussions with landowners and looking at improvements to the route of the SWCP following the effects of Storm Emma earlier this year, notably at Hallsands, Beesands and Torcross.

# Agenda Item 16.2

## **Chapter 10: Torcross Point to Kingswear**

- Discussions with landowners and legal interests along this part of the stretch are ongoing. We are informing landowners where the route of the SWCP is likely to be followed by the proposed ECP in this area.
- Following discussions with landowners and stakeholders we are minded to propose that the route of the ECP at Strete will follow the existing route of the SWCP through the village.
- We have held discussions with landowners and are working with Devon County Council regarding the realignment of the SWCP at Slapton Ley.
- There are some areas where we are looking at making improvements to the route of the SWCP/ECP and holding discussions with landowners about possible options, including at Stoke Fleming.

Jane Beech  
Natural England  
31/08/18



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Agriculture Consultation Team  
1b - Future Farming Directorate  
Department for Environment, Food and Rural Affairs  
Nobel House  
17 Smith Square  
London  
SW1P 3JR

8 May 2018

Dear Sir/Madam

### **Health and Harmony: the future for food, farming and the environment in a Green Brexit**

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CROW Act). Its statutory remit is to give independent advice “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...”

The DCAF currently has seventeen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

This consultation was discussed at the recent DCAF meeting, held on 26 April. This response focusses on chapters 5 and 6 which mention access and recreation.

### **Chapter 5: Public money for public goods.**

The consultation asks for the six 'environmental' outcomes to be reduced to three options in order of importance. The Forum felt this was inappropriate as all the outcomes are fundamentally important and interdependent (for example, soil health is interlinked with

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# Agenda Item 17.1

improved water quality). To rank them belies the complexity of the situation. Similarly, the consultation asks for the 6 'other' public goods to be ranked. Of these, two might better be classed as 'environmental' outcomes (crop, tree, plant and bee health, and preserving resilience and landscapes in the uplands). Again, many issues are intrinsically interlinked. For example, public access, which is explicitly specified here, can sometimes be at odds with the tighter biosecurity measures that may be needed for better animal and plant health.

**The Forum is agreed that access to the countryside should be one of the public goods to be considered in any future agricultural land management system and funding proposals** Access to green space, public rights of way and trails is increasingly proven to bring about health and wellbeing benefits. Within the list of environmental goods, access could be considered part of f) Enhanced beauty, heritage and engagement with the natural environment.

It will be important to deliver a wide range of public goods, and to carefully consider the implications of their interacting demands, rather than focusing on a few 'top' concerns.

The Forum did not come to a firm view as to the form such public access should take. Additional permissive access is one option but there are other opportunities to improve and enhance access, whilst supporting landowners in the management of their land. It is a topic which requires more careful consideration and further consultation to ensure optimum benefits. The Forum is aware that provision of public access varies across the country, in its extent and quality, and this also needs to be addressed.

## **Chapter 6: Enhancing our environment**

As with chapter 5, it is inappropriate to select from the range of options. Action across a number of farms or other land parcels has the potential to achieve significant benefits in all these areas and cooperation and joint action is necessary.

An environmental land management system could offer options for recreation; incentivising neighbouring landowners to jointly provide certain types of access could boost health and well-being and also local economies. For example, circular walks or multi-use trails that start and end somewhere and woodland areas with good links to public transport and parking would encourage people to use such areas. In addition, access opportunities that connect to food and drink outlets (for example pubs, cafes and farm shops) and attractions would benefit the economy.

Delivering recreational access at a larger scale has the potential to offer new and improved opportunities for dog walkers and walkers and, where possible, for other access user groups.

The Forum recognises that there are many other types of environmental management and enhancement that would also merit public support. The Forum is not able to advise specifically on such matters, but would note that ensuring a robust farming economy which is able to support a healthy environment provides benefits for everyone, including those who wish to access and enjoy the countryside.



The Devon Countryside Access Forum trusts its views will be considered and would welcome the chance to be involved in additional discussions specifically on public access.

Yours faithfully



Hilary Winter  
Forum Officer

*Letter sent on behalf of Devon Countryside Access Forum*

*Chair: Sarah Slade*  
*Vice Chair: Chris Cole*





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31 May 2018

Dear Sir/Madam

## **Cycling and Walking Investment Strategy (CWIS) safety review**

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CROW Act). Its statutory remit is to give independent advice “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...”

The DCAF currently has seventeen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

The Devon Countryside Access Forum has considered the questions posed in the above consultation and has the following comments. This response will be on the agenda for formal approval at the next meeting.

The Forum would welcome improvements to safety which encourage people to walk and cycle for both functional and recreational purposes.

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.

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## Question 1

*Do you have any suggestions on the way in which the current approach to development and maintenance of road signs and infrastructure impacts the safety of cyclists and other vulnerable road users? How could it be improved?*

### 1) General comment

Current cycling provision is often poor especially on road and new cycle lanes often fail to address cyclists' needs, only seeking to separate motor transport from cyclists. Often cycle lanes disappear where roads narrow, just at the place where separation is most needed. The same applies to pavements for pedestrians. To address the safety issues, the needs of **all** highway users should be considered equal rather than the hierarchical situation that currently exists. Current road signage is too car-centric and a fundamental change is needed to normalise cycling and pedestrian use.

### 2) Cycling lanes and turning vehicles

Where no alternative route exists next to narrowing roads "virtual" pavements or cycle lanes through road markings on the existing carriageway should be considered, where width allows.

Some Forum members suggested that consideration should be given to methods of making cycleways more user-friendly. For example, it was suggested that where there are cycle routes alongside roads they usually turn into every side road where the cyclist is expected to give way. This stop-start and constant in and out is why cyclists continue to use the main carriageway. It is suggested that regular cyclists, and hence commuting cyclists, need the same priority as other road users at junctions with the onus on turning vehicles having to give way to cyclists carrying onward. A useful way would be to add a slightly raised or marked cycle way across the junction, so effectively adding a traffic calming measure on the turn, to make drivers aware of the cycle lane

However, other Forum members have commented that in practice this is quite difficult and dangerous and actually unsettling for drivers – "there is one on the way into Plymouth and as a driver you are paranoid about turning across a cyclist in poor light or if they come haring down the inside".

### 3) Highway infrastructure

Despite highway maintenance budgets and ring-fenced budgets such as the Pothole Action Fund, many potholes remain. Most of these potholes are at the edge of the road forcing cyclists out onto the middle of the carriageway. This reduces navigability and makes rural roads particularly dangerous in the darker winter months. Manhole covers can be slippery, sink or get damaged, again an issue that makes cyclists swerve out into traffic. Drivers do not anticipate that a cyclist may have to move out to avoid issues with the standard of the highway. Such defects may also cause drivers and motorcyclists to react unpredictably. Additional monitoring is required following highway repairs.

## **4) Rural verges and footways**

The scope of this consultation should include all vulnerable road users, not only cyclists and walkers but also dog walkers and horse riders. Pedestrians are frequently accompanied by dogs and data from the MENE (Monitor of Engagement with the Natural Environment) survey shows dog walking is by far the most significant leisure activity (48% of visits to the outdoors in 2015/16). Safety is a particular concern in rural areas as few towns and villages are connected effectively by footpaths and this means many people either end up driving, or driving those who cannot drive, to avoid walking on rural roads. Cycling can also be hazardous.

Well-maintained verges can provide some refuge for vulnerable road users, particularly between settlements or between nearby public rights of way. Where work is undertaken which affects verges it is important that these are made good afterwards.

## **5) Built environment and planning**

In terms of infrastructure, the built environment, and especially new housing, needs to take more account of cycling. People only cycle if it's convenient, and having somewhere to store family bikes 'ready to go' is essential. As fewer new homes have garages, or gardens with sheds, this becomes more difficult. Such storage facilities should be given priority in the development of planning policy and in the design of new developments.

Encouragement should be given to businesses to design premises and parking areas to provide cycle facilities and promote cycle use.

## **6) Signage**

Signage could be improved, particularly for shared use paths, to encourage better behaviour. Speed limits for cyclists could apply on shared use paths but ideally education and awareness should encourage people to share paths responsibly. Clearer signage is needed to discourage pedestrians from using cycle-only paths (usually this is where a separate footpath is available but pedestrians walk on the cycle path). Signage needs to be clear, consistent and pictorial. National standards for signage, agreed via consultation with users, should be introduced.

## **7) Quiet Lanes sign**

The current Quiet Lanes sign is rarely used and the Forum is not aware of how successful it has been in reducing speed and encouraging awareness of other users. The concept is good and it would be useful to explore further as rural roads are particularly hazardous for users. However, Devon has one of the largest road networks in the country with 2,706 miles of 'C' roads and 4,026 miles of unclassified roads. It would be difficult to prioritise where to locate such signs. The message of 'Quiet Lane' or 'Shared Lane' or 'Shared Route' is very important in rural areas to ensure drivers receive the message to "slow down and consider other users". A dog walked to heel would be a useful addition to the existing Quiet Lanes sign.

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## 8) Dogs

It would be helpful to include advisory notices for cycle/shared paths to ensure people do not use extended leads and that dogs are under control e.g. on a short lead or walking to heel around others. There is an issue regarding the use of extending leads in public places, which can lead to tripping and other injuries. This could be included in the Highway Code. The Government should also consider how best this should be addressed. If existing legislation is sufficient, it would be helpful to know in what way.

### Question 2.

*Please set out any areas where you consider the laws or rules relating to road safety and their enforcement, with particular reference to cyclists and pedestrians, could be used to support the Government's aim of improving cycling and walking safety whilst promoting more active travel.*

- **Turning the Corner Campaign**

Some Forum members would like the Highway Code to change as per the Turning the Corner campaign.

- **Speed limits**

The use of local speed limits in urban and village locations to protect vulnerable road users is supported.

Speed warnings currently display your speed. Positive reinforcement through more widespread use of speed indicators that turn to a smile or indicate thank you when the speed limit is complied with would be better.

- **Use of mobile devices**

Use of mobile phones and headsets has increased markedly. It would be difficult to enforce a ban on their use for cyclists and pedestrians. Cyclists and pedestrians should be made more aware that such use could increase risk, both to themselves and to others. The law should require cyclists to 'ride with due care and attention' and 'to look out for and respect other users'.

- **Passing distance and speed**

The requirement to give cyclists a car's breadth of room when passing is widely ignored on rural roads. There is a perception that it is acceptable to squeeze past without dropping speed. This is particularly dangerous for children and young people, who can look like an adult on a bike but who lack road experience, and for whom bikes are often the only form of independent transport. Education campaigns are needed to tackle this. The most useful thing would be for car drivers to **significantly** reduce speed when passing cyclists, walkers and horses. The Highway Code, driver training and tests should emphasise the added danger and risk to vulnerable road users of driving too fast past them. On narrow roads cars may need to stop to ensure vulnerable road users can pass safely. Equally it may be appropriate for cyclists to stop for car drivers. The important message is consideration for all users.

- **Highway Code**

Access to the Highway Code should be improved and designed in a way that would make it easy to share tips and raise awareness of key sections via social media. Video and Public Information Films could also be used more to get messages across. The Highway Code should clearly apply to all users of roads and pathways including car drivers, cyclists, pedestrians, horse riders and dog walkers.

- **Enforcement**

Where the Highway Code or law specifies certain safety requirements are a 'must', there should be more emphasis on enforcement e.g. there needs to be stronger action to keep cycle lanes free of parked cars.

### **Question 3.**

*Do you have any suggestions for improving the way road users are trained, with specific consideration to protecting cyclists and pedestrians?*

- **General**

Rural off-road trails, like Devon's Tarka Trail, are a fabulous leisure asset and invaluable in getting children and hesitant riders to cover reasonable distances and negotiate obstacles with control in a safe environment. More dedicated cycle routes are needed. They do not all need to be scenic - there is a real value in providing a car free or 'low car' alternative to the main roads for cyclists. However, they do need to have money allocated for maintenance - see note on infrastructure and pot holes above.

- **The Bikeability Scheme**

The Bikeability scheme is very valuable and needs continued support but even Level 3 is not enough to make young cyclists safe on busy roads. New cyclists need time to build up confidence and road sense, hence the need for trails and alternative low traffic routes.

- **Driver training**

Few rural roads have pavements and a minority of car drivers fail to give pedestrians due consideration. Their needs and rights should be emphasised more in driver training. Driving tests are urban-focussed but should include rural road driving and vulnerable user perception. For example, many rural roads are narrow and windy yet a pedestrian, cyclist, dog walker or horse rider may be just around the corner.

In rural areas, and noting the important exception of young people, almost everyone who cycles also drives or has experience of driving. The reverse is not true - many drivers struggle to see the cyclists' perspective. Much more could be done through driver training and the theory and driving test. More refresher courses could be offered to drivers to bring them up to date with changing conditions.

# Agenda Item 17.2

## **Question 4.**

*Do you have any suggestions on how we can improve road user education to help and support more and safer walking and cycling?*

### ❖ **Public health messages**

Health messages should include child education with the left right left campaign.

### ❖ **The Driving Test**

The Highway Code theory test should include greater emphasis on pedestrian and cyclist safety, as should speed awareness courses. The Driving Test itself should include additional questions on this matter.

### ❖ **Cycling**

There is sometimes conflict between cyclists and pedestrians, particularly on off-road trails or shared routes. Cycles must be fitted with a bell on sale but there is no obligation to retain or use a bell. Cyclists should be made more aware that they may not be heard without a bell. However, many people have hearing impairments which are an invisible disability and would not hear a bell. As part of training and awareness the importance of extreme care when overtaking or passing others should be emphasised. The Highway Code refers to deafblind people but not deaf people and should be amended to include this.

### ❖ **Electric cars**

Electric cars will have an effect on road safety because people are not used to quiet vehicles. In rural villages, pedestrians frequently step off pavements, having checked for traffic only with their ears. Cyclists encounter pedestrians doing this and it will become more of an issue for car drivers. Keeping speeds down will be crucial for safety. Electric car drivers should be made aware that vulnerable road users may not be able to hear them, may be deaf, or may not be used to a different noise. All users need to be more visually aware. More could be done to raise awareness of blind people (with a white stick or Guide Dog) or deafblind people with a white and red stick.

## **Question 5.**

*Do you have any suggestions on how Government policy on vehicles and equipment could improve safety of cyclists and pedestrians, whilst continuing to promote more walking and cycling?*

## **Safety options**

The Devon Countryside Access Forum advises that the following aspects should be investigated:

- a) Consider compulsory cycle helmets on the road.
- b) Regular cyclist and pedestrian awareness training for HGV drivers.
- c) More cycle safe routes along commuter corridors and to open spaces.
- d) Alongside the rise in dashboard cameras for cars, helmet cams for cyclists could have an increasing role in both encouraging better driving/cycling and in apportioning liability after accidents. This should be voluntary and not a legal requirement.



- e) Consideration should be given to increasing the mandatory requirements for lights and reflectors on bicycles. Reflectors on the wheels or retro-reflector strips on the spokes or wheels, as in some European countries, would enhance visibility and in particular when turning. This could be achieved at minimal cost at the point of manufacture. Mudguards to prevent mud from reducing the visibility of lights and reflectors would also increase safety.
- f) Technology in cars can contribute to a vast improvement in road user safety. Car designers should be encouraged/required to build in warnings about cyclist/pedestrians in blind areas around vehicles. Design regarding bumpers should also consider the safety aspects of collision with vulnerable road users and successful design should be mandatory.

## Question 6:

*What can Government do to support better understanding and awareness of different types of road user in relation to cycle use in particular?*

- **Awareness**

Both groups are quick to criticise the other. There needs to be more awareness that both are entitled to use the road and should respect each other. There should be clearer guidance on how to use existing laws if someone is abusive to you and the police need to show they will prosecute.

- **Farming vehicles**

In rural areas, harvest time brings big vehicles to roads, often driven by contractors rushing between fields or farms 'while the weather holds'. Employers and organisations in the agricultural sector could do more to emphasise the need for these drivers to share rural roads with cyclists, pedestrians, dog walkers and horse-riders. This is an issue as farm land holdings get larger but more widely distributed.

The Devon Countryside Access Forum trusts its comments will be taken into account and would welcome feedback.

Yours faithfully



Hilary Winter  
Forum Officer

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

*Chair: Sarah Slade*

*Vice Chair: Chris Cole*





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## **ukactive**

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31 May 2018

Dear Sir/Madam

## **Children's health and physical activity**

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CROW Act). Its statutory remit is to give independent advice to specified bodies "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..."

The DCAF currently has seventeen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

The Devon Countryside Access Forum has considered the questions posed in the above consultation and has the following comments. This response will be on the agenda for formal approval at the next meeting.

The Forum does not have a statutory remit to advise ukactive so its comments are being copied to Sport England and Natural England, specified as section 94(4) bodies under the Countryside and Rights of Way Act to whom the Forum can give advice.

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.

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# Agenda Item 17.3

The role of the Forum is to advise on the improvement of public access to land. Such improvements can encourage children and young people to be more physically active. A number of challenges and barriers currently exist and these are highlighted below. Many of these comments are included in the Forum's position statements or have been used in submission to other consultations.

## ***Transport and Travel***

Ways of travelling to school should be addressed. Insufficient thought is given to making it possible for young people to travel to school actively, rather than being bussed or driven. This is particularly true in rural areas. Such travel needs to be safe with provision of cycle tracks on school routes an option for future investment. Sometimes modest investment can achieve good results.

In Devon an existing footpath was improved and re-surfaced by Devon County Council and a new 125 metre footpath link was added. This has allowed children to walk safely to school and avoid a stretch of road with poor visibility. This was agreed with a County Farm tenant farmer but similar schemes could be implemented, subject to securing landowner agreement.



*The original route to school in Umberleigh and the new footpath*



*The original footpath stile replaced with a gate and new surfacing*

## ***The Built Environment***

Planning policy should give more emphasis to sustainable transport infrastructure and the provision of green spaces so that there is greater encouragement to walk and cycle. For new housing developments this is particularly pertinent as fewer new homes have garages or gardens with room for sheds. People only cycle if it's convenient, and having somewhere to store family bikes 'ready to go' is essential. Such storage facilities should be given priority in the development of planning policy and in the design of new developments.

The Devon Countryside Access Forum position statement on planning includes the following comments which are relevant to this consultation:

- The design of new housing sites should identify strategic walking and cycling routes within settlements and ensure these link to surrounding rural areas and the rights of way network.
- Development proposals should include safe and high-quality provision for cycling and walking routes linking housing to schools, shops, employment areas and recreational and sports facilities.
- Where possible, there should be circular routes within settlements to encourage healthier lifestyles and minimise car use.

## ***Natural Spaces***

Children and young people need safe access to good quality, well-maintained green spaces within communities or very close to such communities, and encouragement to so engage. Semi-structured or structured activities can persuade younger people to get involved, particularly if there is leadership or an element of team work, for example the successful endurance Ten Tors event held on Dartmoor.

Encouraging participation or volunteering through schools, local publicity and clubs can be a further way of including young people. For example, the newly created Dawlish SANGS country park, 65 acres, (Suitable Alternative Natural Green Space) has held events for children to raise awareness of the park. Cranbrook new town, in East Devon, has been selected as one of ten NHS 'healthy new towns' and will have an emphasis on increasing physical activity amongst children and young people through encouraging use of green space and cycling/walking. Open Farm Sundays are a further example of getting children out into the countryside.

New green space areas are vital for communities and many have been funded by developer contributions. The Forum has previously expressed concern about the funding for future maintenance of such sites, recognising that they will only continue to be used if they are maintained to a certain standard and perceived as safe.

Public rights of way and multi-use or shared trails linking green spaces can enable young people to explore the countryside and be more active. Safe off-road opportunities for walking, cycling, dog walking and horse riding are essential as the road network is seen as being unsafe by many parents due to the speed and amount

# Agenda Item 17.3

of traffic. In rural areas, such as Devon, the majority of roads outside settlements have no pavements so the need for safe outdoor areas is paramount.

The Exe Estuary Trail in Devon, around the River Exe estuary, is an excellent example of an off-road route that is particularly popular with families. It provides a path for walking or cycling where young children can build up cycling skills over a good distance.

The Devon Countryside Access Forum trusts its comments will be considered and would welcome feedback.

Yours faithfully



Hilary Winter  
Forum Officer

*Letter sent on behalf of Devon Countryside Access Forum*

*Chair: Sarah Slade*  
*Vice Chair: Chris Cole*



## Devon Countryside Access Forum

Lucombe House  
County Hall  
Topsham Road  
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[www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

Mr J Avon  
Stover Country Park  
Newton Abbot  
Devon  
TQ12 6QG

26 July 2018

Dear Mr Avon

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

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its remit is to give independent advice 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...”

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.

Stover Country Park is a well-used and popular country park situated close to Newton Abbot, a town that is expanding significantly. The DCAF visited the Park on one of its training days and was impressed by the Country Park, its visitor centre and engagement with the community, schools and volunteers.

The proposals accord with the aims of the DCAF to improve access and enjoyment of the countryside. The creation of new footpath routes, accessible for wheelchairs and mobility scooters, will enable more people to take advantage of the site and enjoy extensive walks. The Forum also welcomes improved cycle links.

Stover Country Park has the capacity to act as a recreational hub as it is well-linked to other public rights of way and an important multi-use trail which connects to Moretonhampstead, Bovey Tracey and Newton Abbot. It is well-served by public transport links which increases its accessibility to a wide range of users.

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Increased recreational access opportunities and proposals to encourage community engagement and volunteering will enable Stover to deliver a range of benefits for health and well-being.

The Forum welcomes partnership approaches and agreements with Stover School and Sibelco UK Ltd to allow permissive access to woodland and interesting historical sites will enhance the visitor experience and enjoyment of the Park.

Stover Country Park is already established and has a strong community presence. Additional funding will allow the restoration of important historical buildings, improve the biodiversity and appearance of the lake and ornamental waters, and open up viewpoints. These features will provide an enriched experience for the many visitors who come to Stover and will safeguard the historic setting of the Park for the future

The DCAF has no hesitation in commending this project and hopes that the Heritage Lottery Fund will provide funding to allow this exciting and aspirational project to go forward.

Yours sincerely



H. Winter  
Forum Officer

*Letter signed on behalf of Devon Countryside Access Forum.*

*Chair: Sarah Slade  
Vice Chair: Chris Cole*





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Local Plan Review  
Spatial Planning and Delivery  
Forde House  
Brunel Road  
Newton Abbot  
TQ12 4XX

12 July 2018

Dear Sir/Madam

### Local Plan Review: Issues Consultation

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CROW Act). Its statutory remit is to give independent advice “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...”

The DCAF currently has seventeen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

The DCAF has confined its comments to Question 25 which falls within the remit of its work and this response will be on the agenda for formal approval at the next meeting in October.

### Question 25. Is tailoring the provision of green infrastructure to the specific requirements of an area a suitable approach?

Tailoring the provision of green infrastructure to the specific requirements of an area, using the Fields in Trust standards, would appear to be a suitable approach but the Devon Countryside Access Forum advises that there are several questions which need to be addressed in developing this policy:

- 1) The commentary identifies that, “with regard to quantity of open space within the District, there is an under-supply of parks and garden, amenity greenspace, play provision and allotments and, there is an over-supply of natural and semi-natural open space.” The provision of larger areas which may not meet Fields in Trust walking distance accessibility standards e.g. of the type of Dawlish Warren, Decoy

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Country Park and Dawlish Countryside Park are also important. There may be situations in which a larger area of green infrastructure to serve several local areas may be more critical and valuable. An 'over-supply' should not mean that further areas of natural and semi-natural space are ignored in any future planning application process.

- 2) The impact of visitors and the tourism economy should be a factor in assessing the need for provision, an issue which extends beyond the population growth anticipated from any development. This is particularly the case in coastal communities in Teignbridge. It would be helpful for the Local Plan to recognise that additional green infrastructure may be required.
- 3) The supporting strategies and policies will need to specify what is meant by "an area" or "local". Will the Local Plan specify the green infrastructure provision necessary for each development site, or will it instead state the factors which are to be taken into consideration? Will these be general or site-specific?
- 4) A Local Plan has to provide certainty to developers and others, and it also must be evidence-based. It would be helpful to know how the authority proposes to approach this in relation to green infrastructure.
- 5) The Fields in Trust standards for informal outdoor space are per head of population. The DCAF advises that allocations of space and type of informal outdoor space might need to recognise the requirements for different groups, for example the percentage of children compared to the number of children's informal play areas and the number of areas that are accessible to disabled people. Research shows men and women use outdoor space differently, for example there are more male cyclists and more horse riders are women. Use of informal outdoor space should consider provision for a range of access users such as walkers, dog walkers, disabled users, cyclists and horse riders.
- 6) The Fields in Trust standards refer to quality guidelines but these are vague. The DCAF would like to know how quality will be determined, assessed and monitored?
- 7) The DCAF has previously expressed concerns about funding streams for long-term maintenance of such sites after initial provision. This is an aspect which needs to be considered.

The Devon Countryside Access Forum trusts that its comments will be taken into account and would welcome feedback.

Yours faithfully



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Forum Officer

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Planning Officer  
Planning West  
East Devon District Council  
Knowle  
Sidmouth  
EX10 8HL

14 September 2018

Dear Sir/Madam

**18/1893/FUL | Construction of 1.1km length of 3m wide surfaced multi-use trail.  
(Fields between Winslade Park and lane from Kenniford Cross to Clyst St George)  
Clyst St Mary.**

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The DCAF currently has fifteen members, appointed by Devon County Council, 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 Devon Countryside Access Forum. The comments are in accordance with advice previously provided by the Forum and the response will be on the agenda for formal approval at the next meeting on 9 October.

The DCAF supports in principle this section of the aspirational Clyst Valley Trail. A multi-use route is welcomed and will provide new sustainable transport links and recreational access opportunities for walkers, dog walkers, cyclists, disabled users and horse riders. The link to the Exe Estuary Trail and potentially northwards, in time, to Killerton will deliver an important and very popular trail.

The DCAF notes the route is intended to connect to the Exe Estuary Trail at Topsham. Although not specifically part of this planning application, the accompanying design and

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access statement refers to this and the commissioning of research into design options to improve safety on the on-road section. The Forum advises that connectivity to the Exe Estuary Trail and Topsham Station needs to be thoroughly investigated to ensure routes are genuinely safe for vulnerable access users and are perceived as safe. This means that attention to the design of crossings, kerbs, passing places, visibility and speed is critical and vital for the success of the overall trail. The speed limit on the road between Clyst St George and Kenniford Farm, approaching the off-road section, should be significantly reduced from the current 60mph. Regular maintenance of hedges on narrow sections of this road is also a consideration to maximise the road width.

The Forum notes the two gates and chicane on the design drawings. The suggested gate design does not include suitable handles for horse-riders and should be changed to a higher specification with appropriate handles and latches allowing easy use by all user groups. Natural England, in partnership with the British Horse Society, carried out a trial of self-closing gates in 2015 and a report is available on this link [here](#) If gates are not required for agricultural management reasons, it would be helpful if they could be removed to allow easier access.

The planning application lacks clarity about the legal status of the route and whether it will be permissive, a bridleway (subject to a Public Path Order application), or whether it will have a different status or combination of legal categories. Although the surfacing and path furniture have been specified it is not clear how it is anticipated to deal with the associated legal changes where it is proposed to use, or divert, sections of the existing footpaths for this multi-use trail.

Bearing in mind that the route has the potential to flood, it is even more imperative that financial provision is secured not only for construction but for long term maintenance. Although not specifically a planning matter, it would be useful for funding streams to be identified.

The Devon Countryside Access Forum trusts that its comments will be considered and would welcome feedback.

Yours faithfully



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Forum Officer

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## Department for Transport

### Cycling and Walking Investment Strategy safety review: proposals for new cycling offences

#### **Summary for Devon Countryside Access Forum**

**Full document:** <https://www.gov.uk/government/consultations/new-cycling-offences-causing-death-or-serious-injury-when-cycling>

**Closing date: 5<sup>th</sup> November 2018**

“This consultation document is” seeking views on whether there should be new offences for cyclists of causing death or serious injury when cycling, and what the associated penalties might be. The consultation also seeks views on the scope and penalties of existing offences, which for cycling currently apply only to the road (which includes the pavement) but not in other public places.”

“There were 2,491 recorded collisions between cyclists and pedestrians (where no other vehicle was involved) that resulted in a pedestrian casualty between 2011-2016, of which 20 were fatal and 546 resulted in serious injury.”

“On 21 September 2017 the Government announced a Cycling and Walking Safety Review in two phases: the first, a review of the case for a new offence for cyclists equivalent to causing death or serious injury by driving; and the second, a wider review on road safety issues relating to cycling.”

The Government appointed an independent legal expert, Laura Thomas, to investigate the law and gather evidence. Her report concluded “that there is a persuasive case for legislative change to tackle the issue of dangerous and careless cycling that causes serious injury or death, in order to bring cycling offences into line with driving offences.”

There are clearly potential difficulties in introducing complete parity. There are no proposals, at this stage, to introduce cycle testing, licensing and insurance or drink limits or drug testing – although it is an offence to cycle while unfit due to drink or drugs. Nor is it intended to introduce penalty points although the consultation does consider whether new cycling offences should carry driving disqualification.

The Government recognises the importance of cycling and walking for health and sustainability and other community and economic benefits. Protecting vulnerable road users is a key commitment.

**Offences where drivers or riders cause harm (England and Wales only as different laws apply in Scotland which are identified in the consultation document)**

2.1 The offences that currently may be considered for charge in cases where cyclists or drivers cause death or serious injury are as follows:

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2.2 In England and Wales, causing bodily harm by wanton or furious driving or other misconduct contrary to section 35 of the Offences Against the Person Act 1861. The maximum penalty is 2 years imprisonment and/or an unlimited fine.

2.3 In England and Wales, inflicting grievous bodily harm contrary to section 20 of the Offences Against the Person Act 1861. The maximum penalty is 5 years imprisonment.

2.5 In England and Wales, manslaughter, punishable under section 5 of the Offences Against the Person Act 1861 by a maximum penalty of life imprisonment. In order to convict a cyclist of gross negligence manslaughter it must be shown that there was breach of a duty of care owed by the cyclist to the deceased, that the breach caused (or significantly contributed to) the death and that the breach should be characterised as grossly negligent and therefore a crime.

## **Cycling Offences**

2.7 Currently, a cyclist may be charged with dangerous or careless cycling under the Road Traffic Act 1988, and there is a range of penalties which may apply as follows:

2.8 Dangerous cycling contrary to section 28 of the Road Traffic Act 1988, punishable by a maximum penalty of a level 4 fine (£2,500).

2.9 Careless and inconsiderate cycling contrary to section 29 of the Road Traffic Act 1988, punishable by a maximum penalty of a level 3 fine (£1,000).

2.10 Neither dangerous nor careless cycling are endorsable and so do not attract penalty points.

2.11 It is also an offence under Section 30 of the Road Traffic Act 1988 to ride a cycle when unfit to ride through drink or drugs. Unlike other cycling offences in the Road Traffic Act 1988, this offence can be committed on a road as well as other public place. If found guilty, offenders face a fine of up to £1,000.

2.12 Courts already have discretion to apply a driving disqualification for a cycling offence; we are not proposing any change to this but we are seeking views on whether a minimum driving disqualification period should apply to any new offences.

## **Driving offences**

In comparison, there are a wider range of driving offences, which are itemised in the consultation. These are more punitive. A recent review by the Ministry of Justice will introduce additional changes when Parliamentary time allows.

**The consultation outlines how the different ‘tests’ are applied when assessing standards of driving/riding and associated offences. “The aim of the proposed legislation would be to achieve consistency between cyclists and drivers and parity of sentencing options where the outcome is death or serious injury.”**

## **Section of the consultation for DCAF discussion**

### **Road and public place**

From the DCAF's perspective, and remit to advise on the "enjoyment" of public access to land, part of the consultation focuses on 'public place' – areas of land where people may cycle which are not covered under current legislation. As outlined below there is no statutory definition of 'public place' so there may be areas or places which the DCAF considers should be included.

2.36 Current cycling offences apply to the road and pavement but unlike driving offences do not extend to public places (apart from the offence of being unfit to ride through drink or drugs). There is no statutory definition of public place but case law indicates that areas such as car parks and shopping precincts would potentially fall within scope of public place where a driving offence has been committed.

2.37 We propose to extend new cycling offences to both the road and public place. While it is already clear that cycling behaviour applies to the road and pavement, there are many other areas where cyclists may ride and therefore where injury to others may be caused.

2.38 In creating legislation for new offences of causing death or serious injury by dangerous or careless cycling which cover cycling in a public place, we believe that we also need to re-frame the current offences of dangerous or careless cycling which currently apply to the road only.

#### **Questions**

##### **Road and public place**

Q9. This consultation proposes that new offences should apply to public places as well as roads. Do you agree with this proposal?

Q10. The current offences of dangerous or careless cycling apply to a road. This consultation proposes that it should also extend to a public place. Do you agree with this proposal?

Q11. Are there any other comments that you wish to make about where the laws should apply?

The Devon Countryside Access Forum may particularly wish to consider the following areas:

- Multi-use/cycle and walking trails which are not necessarily 'road' (highway). A public right of way is a highway but some sections of trails may be permissive or under

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other agreements yet are part of a continuous trail. Should all parts of trails fall under the legislation? Would any checks and balances need to be put in place to protect landowners?

- Should locations be included where cycling is a legitimate activity in a public place that is not a highway, for example on some towpaths or in a park?
- Land managed by a wide range of organisations may include cycle tracks or land where cycling is permitted, including for example Government departments such as the Forestry Commission; charities such as the National Trust, South West Lakes Trust and Woodland Trust; local authorities (unitary, county and district/borough) and town/parish councils. Does consideration need to be given to including some or all of this type of provision, if the law could be extended to cover such land, and would it impact on the availability of cycling opportunities?

## Consultation questions

The full list of questions is below and the DCAF may wish to consider whether it responds to any of the other questions. In terms of 'enjoyment' of access, questions 1-4 are most relevant. It is probably difficult to agree on levels of fines or sentences and members may wish to respond as individuals.

### Question 1

Our consultation proposes that there should be an offence of causing death by dangerous cycling. Do you agree with this proposal?

### Question 2

Do you think that there should be an offence of causing death by careless or inconsiderate cycling?

### Question 3

The consultation also proposes that there should be an offence of causing serious injury by dangerous cycling. Do you agree with this proposal?

### Question 4

The Ministry of Justice consulted on bringing forward a new offence of causing serious injury by careless driving. This consultation proposes that there should be an offence of causing serious injury by careless or inconsiderate cycling. Do you agree with this proposal?

### Question 5

If there were a new offence of dangerous or careless cycling, do you think the sentences should match the sentences for dangerous or careless driving (current driving sentences shown in brackets)?

- a. causing death by dangerous cycling (currently 14 years for driving)
- b. causing death by careless cycling (currently 5 years for driving)
- c. causing serious injury by dangerous cycling (currently 5 years for driving)

### Question 6

The report from the independent expert concluded that there is a gap in the law regarding dangerous or careless cycling. Do you feel that existing laws adequately cover circumstances where a person's cycling causes harm or injury others?



**Question 7**

Do you have any comments on any laws not covered in this consultation which could apply when trying to prosecute for this cycling behaviour?

**Question 8**

Do you have any other comments that you wish to make in relation to how existing laws apply in Scotland?

**Question 9**

This consultation proposes that new offences should apply to public places as well as roads. Do you agree with this proposal?

**Question 10**

The current offences of dangerous or careless cycling apply to a road. This consultation proposes that it should also extend to a public place. Do you agree with this proposal?

**Question 11**

Are there any other comments that you wish to make about where the laws should apply?

**Question 12**

Drivers may be banned from driving for committing a current cycling offence. Minimum driving disqualification periods currently apply under the Road Traffic Offenders Act 1988. For drivers this is currently 2 years for causing death or serious injury, 1 year for causing death by careless driving. Do you think this should also apply to any of the new offences proposed in this consultation?

**Question 13**

If not please explain why? If so, do you have any views on how long the minimum disqualification period should be?

**Question 14**

There is currently an offence of dangerous cycling (with a fine of up to £2,500) and for careless cycling (with a fine of up to £1,000). This consultation proposes that the penalties for these offences should remain unchanged. Do you agree with the proposal?

**Question 15**

If not, please explain why. Are there any other comments you wish to make on the level of penalty?

**Question 16**

This consultation proposes that there should not be a new offence of causing death by careless cycling when under the influence of drink or drugs. Do you agree with the proposal?

**Question 17**

The current fine for riding a cycle when unfit to ride through drink or drugs is £1,000. Do you think we should consider increasing the fine?

**Question 18**

Do you think we should consider making it an offence to attempt to cycle (as well as actually cycling) when unfit to do so through drink or drugs?

**Question 19**

Are there any further comments you wish to make?

