



**Devon Countryside Access Forum**  
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Minutes of the Fifty-Third meeting  
of the Devon Countryside Access Forum  
held at the Devon Rural Hub, Amory Building, Cheriton Bishop, EX6 6JH  
Thursday, 25 April 2019

### **Attendance**

#### *Forum members*

Andrew Baker	Gordon Guest
Simon Clist	Charlie Lloyd
Chris Cole (Vice-Chair)	Sue Pudduck
Sean Comber	Tino Savvas
John Daw	Sarah Slade (Chair)
Tim Felton	Maggie Watson

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

John Baker, Warden, Public Rights of Way, DCC  
Helen Clayton, Senior Officer, Public Rights of Way, DCC  
Ros Mills, Manager, Public Rights of Way, DCC  
Hilary Winter, Forum Officer, DCC

### **1. Apologies**

Apologies were received from Jo Hooper, Councillor Tony Inch, Councillor Philip Sanders and Bryan Smith.

### **2. Membership**

Sophie Pritchard had resigned. The Chair noted that it was difficult for young people, particularly students, to commit to the Forum. In the interim, Ros Mills, DCC, said that the Selection Panel had suggested one of the DCC apprentices could be on the Forum and discussions were taking place with the line manager of an apprentice in the transport planning team. This was agreed but members recommended efforts should be made to target groups with a view to encouraging other young people to apply next year. The importance of mentoring young members was raised and noted.

*Action: DCC and Forum Officer to action.*

The Chair paid tribute to Linda Lee for her contribution over the past three years and for raising the profile of carriage driving.

### **3. Welcome to new members**

Tim Felton and Tino Savvas were welcomed. Bryan Smith, new member, had given apologies.

### **4. Declaration of interests**

There were no declarations of interest.

### **5. Election of Chair and Vice Chair**

No nominations had been received for Chair and Vice Chair. The existing Chair and Vice Chair had agreed to continue in post. Sarah Slade was elected as Chair, proposed by Sue Pudduck and seconded by Andrew Baker. Chris Cole was elected as Vice Chair, proposed by Maggie Watson and seconded by John Daw.

### **6. Minutes of the meeting held on 24 January 2019**

Minutes of the meeting held on 24 January were agreed and signed.

### **7. Matters arising**

#### **7.1 Planning Position Statement (9. 24.01.19)**

Following discussion at the last meeting, it was proposed to amend the Planning Position Statement and add a further statement - "scrutinise safety implications where any new roads affect an existing public right of way, liaising at the earliest opportunity with all relevant authorities to design in improvements." This was agreed.

*Action: Forum Officer to edit position statement and republish.*

#### **7.2 Greenspace Position Statement (11. 24.01.19)**

The Greenspace Position Statement had been finalised and was on the website. The Forum Officer had contacted Natural England to check on the Accessible Natural Greenspace Standard, used in the position statement. Natural England had let a contract for a Green Infrastructure Standards project with a view to developing draft guidance and a framework of GI standards. The new guidelines would be tested in a number of communities, in association with local authorities. The DCAF position statement may need to be amended in future once these new standards are published.

#### **7.3 Local Nature Partnership (15. 24.01.19)**

The Local Nature Partnership Conference in 2019, held in March, focussed on outdoor learning for the primary school sector. Members will be advised of any relevant LNP activities which arise during the year. The Local Nature

Partnership's Naturally Healthy work includes promoting 'Naturally Healthy Month' in May.

**8. Public Questions**

There were no public questions.

**9. Correspondence log**

Attention was drawn to the response from Bigbury Neighbourhood Plan Steering Group. This stated that horse-riders would be included as vulnerable road users and improved opportunities for cyclists and horse-riders will be considered as part of the neighbourhood plan.

Items 10, 11 and 12 referred to current surveys being conducted by Exeter City Council, Teignbridge District Council and the Forestry Commission which members might wish to complete as individuals.

**10. Meetings attended by DCAF members**

**10.1 Marine Management Organisation workshop**

Sue Pudduck had attended the Marine Management Organisation SW Marine Plan workshop on the SW Plan and a brief response to the consultation had subsequently been sent. Representatives from a wide range of interests were present. Following earlier work in the South East, the Marine Management Organisation is keen to engage with many organisations and identify gaps in knowledge.

Sue was thanked for attending.

**10.2 East Devon Pebblebed Heaths - car parking strategy**

Gordon Guest had attended the workshop at the East Devon Pebblebed Heaths and the accompanying agenda paper outlined the content of the day and the challenges of competing demands and increased use of the heaths. He had subsequently arranged a visit for wheelchair/mobility scooter users on 7 June so that access issues could be discussed with the Pebblebed Heaths Site Manager. Details would be sent to DCAF members should anyone wish to attend.

Gordon was thanked for his involvement and for setting the visit up.

*Action: Gordon Guest and Forum Officer.*

**11. Minutes of the Public Rights of Way Committee meeting held on 4 March 2019**

Minutes of the Public Rights of Way Committee were noted.

## 12. Public rights of way update

Ros Mills, Public Rights of Way Manager, reported that targets had been met for the year end. The Public Rights of Way Warden and Legal and Development teams had done an excellent job and work programmes were in place.

Key strategic matters for the future were:

1. Improvements to the IT and GIS systems to assist inspections and to keep a digital legal library of records affecting each route. This would enable Orders to be attached to the definitive line which would be more efficient.
2. A programme of re-surfacing for recreational and multi-use trails. These are re-surfaced on an ad-hoc basis when funds allow. The aim is to have a five-year rolling programme in place, with advice from Highway Asset Team colleagues. It will be important to identify costs and commit funding, increasingly important with the likely growth agenda and increased use of such routes. Installation of routes attracts capital funding to ensure green infrastructure and planning targets are met, however ongoing maintenance is an issue.
3. The Country Parks as important recreational assets.
  - Stover Country Park is re-submitting its Heritage Lottery Fund bid to improve the park in its historic house and garden setting. It is hoped the DCAF will send a new letter of support and a request will be sent shortly.
  - The Grand Western Canal has dealt with badger encroachment and part of the towpath has been underpinned using a grid system. This has alleviated the problem in the short term, but it will be a future issue.

Both country parks have issues with dogs. The parks are working to retain their Green Flag Awards.

### 4. Budgets

The revenue budget for 2019/20 had been cut slightly but capital had been increased by just over £200,000. DCC as an authority recognised the benefit of a well-managed access network.

Gordon Guest offered to update the chart of scooter sizes and capacity to assist DCC in planning for disability access.

*Action: Gordon Guest*

The importance of wheelchair accessible toilets on recreational trails was raised. These encouraged disabled people to be more active and promoted tourism. Ros Mills confirmed that historically the Environment Team was involved in business liaison and promotion for any route but now fewer staff were involved in delivery. The Public Rights of Way team was not involved in negotiation or liaison.

Ros Mills, DCC, reported that issues had arisen on the Exe Estuary due to its increasing popularity. A DCC working group was being set up to look at soft messaging and ways of mitigating conflict between different groups. The Exe Estuary is not a public right of way so legislation could not be applied. Two members of the DCAF, Sarah Slade and Gordon Guest, had been asked to participate and provide advice alongside members of the Exe Estuary Forum.

Concerns about cycling speed were not specific to the Exe Estuary trail. It was noted that electric bikes were a new factor.

A discussion took place about the need to persuade businesses of the benefit of offering disabled toilets. Disabled visitors often had other people with them. There were 2.35m Blue Badge holders in England at the end of March 2018. Technology developments meant that disabled users could explore over longer distances.

At the previous meeting, Richard Walton SWCP National Trail Officer, had mentioned the possibility of funding through the South West Coast Path Association for toilet improvements. It was noted that associations or trusts could take on a role in improving facilities. Businesses and parish organisations could have a role too. Potentially, it was also something that could be asked of developers if they are seeking permission to access a trail, for example the Tarka Trail. Historically, during the planning process, opportunities may have been missed to use s106.

It was suggested that making Sustainable Accessible Natural Green Space (SANGS) sites multi-use could displace people from sensitive wildlife sites, particularly if linked to the existing public rights of way network. It was noted there will be consultation on the Greater Exeter Strategic Plan later in the year and this may cover SANGS sites and areas for quiet enjoyment such as dog walking. A complementary document will focus on the sensitivities of different sites in terms of flooding, ecology and historic interest.

The Chair suggested, and it was agreed, that a working group to look at some of the issues affecting trails would be useful, exploring increased use, the differences between functional and recreational use, and the associated facilities that could be provided. It was agreed later in the meeting to make this the key focus of the forthcoming training day to be followed up by a working group.

Helen Clayton, Senior Officer Public Rights of Way, confirmed that the Definitive Map Review was 82% complete with a further 7% in progress. The next Public Rights of Way Committee would be held in July.

The Ramblers had appealed a Planning Inspectorate decision not to confirm a footpath in Luppitt. The Planning Inspectorate decision had been quashed and the case will have to be determined again.

The Parish Paths Partnership (P3) surveys were all in and grants had been sent out.

It was hoped to consider public rights of way matters at an early stage in the development of the Greater Exeter Strategic Plan.

### **13. Presentation by John Baker, Public Rights of Way Warden, Devon County Council**

John Baker, Public Rights of Way warden, gave a presentation.

He confirmed that his duty was to protect Devon's rights of way and he did this by:

- Supporting landowners,
- informing the public,
- liaising with Parish Councils (P3) and district councils, and
- cooperating with the Police and dog wardens.

The legal rationale for wardens' work was embodied in the Highways Act 1980, s130

- It is the duty of the Highway Authority to assert and protect the rights of the public to the use and enjoyment of any highway...
- It is the duty of a Highway Authority to prevent, as far as possible, the stopping up or obstruction of the highway...

Devon County Council had 5000km of footpaths, bridleways, byways open to all traffic and restricted byways. In addition, there were 560km of unsurfaced roads and 225km of off-road trails.

A map showing the warden areas for the County was displayed. The wardens carried out work on off-road trails and unsurfaced roads in the National Park areas. The National Park rangers dealt with public rights of way on an agency basis.

Wardens inspected public rights of way on a three-yearly cycle, ensuring they were signed at the road, free from obstruction and clearly waymarked. Ease of use was also assessed using condition criteria and 97% of the public rights of way in Devon met the criteria. In addition, off-road trails and the South West Coast Path were inspected annually. Wardens also responded to reports from the public and recorded findings. A number of legal and technical publications informed warden work.

Wardens were responsible for maintenance. This included signs and waymarking; vegetation; stiles and gates; surfaces – including bridges and boardwalks; removing obstructions and working with approved contractors. Wardens made increasing use of technology, for example What's App to share photos with contractors.

Interesting photographs illustrated 'before' and 'after' shots of maintenance work. Gates were authorised where there were forestry or stock control issues although it was acknowledged this could impact on use by buggies and scooters.

The Enforcement Protocol worked through goodwill and cooperation with the public and landowners. This worked most of the time. The occasional enforcement notice was also effective most of the time. Prosecution was rarely used in Devon as this was unnecessarily stressful, time consuming and expensive. It was important to ascertain why a landowner had obstructed a path and what could be done to resolve issues.

Wardens were proactive in seeking improvements and making a difference. Stiles were upgraded to gates with landowner permission and this had been easier with improved self-closing gates. Surfaces were upgraded, signs were improved and diversions (paid for by landowners) were secured. Diversions went out to formal consultation.

The wardens' improvement schedule was usually reliant on capital bids and budget allocations. For example, improvements had been made to the SWCP surface and, on the Tarka Trail, a least restrictive option had been put in place with manoeuvring space and easy to use latches. In Iddesleigh, a diversion was planned to remove one bridge crossing and take a footpath away from a farmyard.

The Strava app showed the level of use and a map was displayed which indicated use of public rights of way and recreational trails in Hatherleigh over the last two months. Higher use was indicated by a lighter colour. The whole network was well-used especially the off-road trails.

A number of questions were asked.

*What are the maintenance priorities?*

John responded that it was based in priority order of Health and Safety issues; high usage paths such as cycle/multi-use trails, promoted routes and village/town centres.

*How do wardens work with groups, for example South West Riders?*

SW Riders report problems in a constructive way. They have identified diversions and also recognise the need to identify priorities. For example, improving bridleway access across Hollow Moor would be disproportionately expensive meaning less budget for other routes. John would be attending their AGM. North Devon Ramblers reports problems. He had not had so much contact with the Trail Riders' Fellowship.

*Is it possible to go around obstructions or deal with them?*

The public can make a reasonable route around an obstruction but not remove the obstruction itself. It is best to report obstructions to the public rights of way team to avoid the risk of causing criminal damage. Wardens had to notify landowners of their intentions with regard to obstructions.

*Is there any say on amenity value?*

Not as such. An improvement to surface may be needed to ensure access can continue.

*What is liaison like with the roads team?*

Public Rights of Way can raise an objection to a proposal and the roads team (Highway Development Control Officers) may defer to that advice. The Public Rights of Way team has a good relationship with the Highway Development Control Officers who may refer matters to the PROW Team. John mentioned he had worked with highways colleagues to improve surfaces for horses.

The Chair thanked John and the warden team for all their work. It emphasised the value of goodwill and working with people.

## **14. Responses to consultations and any feedback**

### **14.1 Highway Code**

The DCAF response was noted and approved. The Department of Transport

reply made no reference to carriage driving but it was agreed there was no point in a further response.

#### **14.2 Hemyock Common - Review of Direction to restrict access**

The DCAF response was noted and approved. Natural England had subsequently determined to continue the direction and members noted the decision papers.

#### **14.3 Fire Beacon Hill**

The DCAF response was noted and approved. The RSPB had just produced a summary report following the initial feedback and further consultation on proposals would take place.

#### **14.4 Marine Management Organisation SW Plan**

The DCAF response was noted and approved.

#### **14.5 East Devon Forest Plan**

The DCAF response was noted and approved.

#### **14.6 The Cranbrook Plan 2013-2031 - Development Plan Document**

The DCAF response was noted and approved.

### **15. Current consultations**

There were no current consultations.

### **16. Work Plan 2019-2020**

Members were content with the draft Work Plan. It was agreed to add a working group on trails to report by December. The presentation at the September meeting could be related to this theme. The Exe Estuary Trail working group convened by DCC would meet during May/June.

### **17. Annual Report**

Members were content with the Annual Report. The Chair had drafted her comments. Photographs and visual content would be added to the final version before publication. Gordon Guest commented that he was now working proactively with a wheelchair group on Dartmoor, through links with the DCAF.

*Action: Forum Officer*



**18. Training day**

Following the discussion on multi-use trails and issues associated with increased use and lack of facilities, it was agreed the Training Day could usefully focus on these matters. Wednesday, 19 June was suggested and agreed with visits to the Granite Way.

*Action: Forum Officer to finalise programme in discussion with the Chair and Public Rights of Way team.*

**19. Any other business**

Gordon Guest said that following his meeting with Simon Bates, (Green Infrastructure Project Manager, East Devon District Council), additional money had been secured for improved drop kerbs at Killerton/Broadclyst.

**20. Date of next meeting**

The next meeting will be on Thursday, 19 September 2019.