



Devon Countryside Access Forum
Lucombe House
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Fifty-Sixth meeting Devon Countryside Access Forum

Virtual meeting. For joining instructions please contact the Forum Officer for further details on attendance and / or public participation.

Thursday, 24 September 2020 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. Welcome and introductions
2. Apologies
3. Declarations of interest
4. Minutes of the meeting held on 23 January 2020 (Pages 1 - 12)
5. Matters arising
 - 5.1 Stover Country Park
 - 5.2 Jurassic Coast World Heritage Site Management Plan
 - 5.3 Fire Beacon Hill (Pages 13 - 14)
 - 5.4 Pebblebed Heaths Visitor Management Plan
 - 5.5 Mid Devon Local Plan Review – Proposed Main Modifications

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

6. Correspondence log (Pages 15 - 26)
7. Election of Chair and Vice Chair
8. Public questions
9. Meetings attended by DCAF members
10. Minutes of the Public Rights of Way Committee held on 5 March 2020 (Pages 27 - 30)
11. Public Rights of Way update and discussion
12. Break - ten minutes
13. Advisory note on trails (Pages 31 - 34)

To approve revised document.

14. Annual Report 2019-2020
15. To note and approve responses to consultations and any feedback
 - 15.1 Network Rail. Public consultation on revised plans to protect the vital rail line between Teignmouth and Dawlish. (Pages 35 - 38)

To note and approve response following the working group meeting.
 - 15.2 England Coast Path (Pages 39 - 46)

To note and approve response sent following the working group meeting. The Natural England consultation was for the sections between Combe Martin and Marsland Mouth and Cremyll and Kingswear.
 - 15.3 North Devon Pioneer Environmental Land Management Scheme (Pages 47 - 50)

To note and approve response submitted.
 - 15.4 Tiverton EUE (Area B) Public Consultation (Pages 51 - 54)

To note and approve response sent to Mid Devon District Council.
 - 15.5 Public Spaces Protection Orders (dogs) (Pages 55 - 80)

To note and approve responses to consultations from four district councils;

Mid Devon, North Devon, South Hams and West Devon.

15.6 Marsh Barton Railway Station (Pages 81 - 86)

To note and approve DCAF response to the formal Devon County Council planning application and earlier pre-application advice.

15.7 England Tree Strategy (Pages 87 - 88)

To note and approve response to the England Tree Strategy, Defra.

16. Current consultations

16.1 Planning for the Future

Consultation on proposals for reform of the planning system in England. Ministry of Housing, Communities and Local Government.

16.2 Review of the Highway Code (Pages 89 - 94)

The Department for Transport is carrying out this consultation on proposals to amend The Highway Code as part of its Cycling and Walking Investment Strategy safety review. To consider a few questions most relevant to the DCAF.

17. Any other business

18. Date of next meeting

Thursday, 21 January 2021 10.00 a.m.

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 Fifty-Fifth meeting
of the Devon Countryside Access Forum
held at The Wiltshier Room, Broadclyst Victory Hall, Broadclyst, Exeter EX5 3DX
Thursday, 23 January 2020

Attendance

Forum members

Andrew Baker
Sean Comber
Tim Felton
Gordon Guest
Jo Hooper
Charlie Lloyd

Sue Pudduck
Tino Savvas
Sarah Slade (Chair)
Bryan Smith
Maggie Watson

Devon County Council Officers and others present

Helen Clayton, Senior Officer, Public Rights of Way, DCC
George Coles, member of the public
Ros Mills, Manager, Public Rights of Way, DCC
Hilary Winter, Forum Officer, DCC

1. Apologies

The Chair paid tribute to John Daw, an upstanding and respected member of the community and member of the Devon Countryside Access Forum. A minute's silence was held.

Apologies were received from Chris Cole, Cllr Tony Inch and Cllr Philip Sanders.

2. Declarations of interest

There were no declarations of interest.

3. Minutes of the meeting held on 19 September 2019

Minutes of the meeting held on 19 September were approved and signed.

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4. Matters arising

4.1 Fly-tipping conference, Chartered Institute of Waste Management

Sean Comber reported that the conference had been postponed.

4.2 Stover Country Park. Letter sent in support of the Heritage Lottery Fund bid.

The letter sent in support of the bid was noted. The outcome would be known in March.

5. Public questions

No public questions had been received. An email about coastal access from a member of the public would be considered during the Forum's deliberations on this matter.

6. Correspondence log

The log was noted. The Chair drew attention to the importance of the Forum's position statements in responding to consultations without undue burden on members.

7. Meetings attended by DCAF members

7.1 Exe Estuary Partnership, DCC and Devon Countryside Access Forum working group

It had not been possible to arrange a further meeting of the working group during the autumn and it was hoped to hold the next meeting in March 2020.

Jo Hooper had emailed Exeter City Council and had received confirmation that the toilet close to the Turf Locks was only available to the boating community. Conversations with pubs might be helpful in securing disabled access. It was agreed to put this matter on the agenda for the working group as the Exe Estuary Partnership might be able to assist in promoting the message about disabled facilities.

Action: Ros Mills, DCC.

It was agreed that the trail statement, once agreed, would give more weight to any discussions with the service sector. The Devon Countryside Access Forum's remit was to give advice to specified organisations.

7.2 Active Devon Conference

Tim Felton and Sue Pudduck had attended the Active Devon conference and were thanked for their report. They reported that it had been very well-

organised and motivational. The new initiatives were exciting and were about getting people out and confident to use the outdoors and not just about elite sport. It was suggested that Active Devon could give a presentation at a future meeting. Tino Savvas said he was involved in a Connecting Actively to Nature (CAN) project in Torquay which had a turnout of thirty-nine in poor weather for the first event. It was noted Forestry England and running and cycling organisations were recognising the benefits to health of organised events.

7.3 Marsh Barton railway station

Tim Felton, Gordon Guest, Jo Hooper and Maggie Watson had been on a site visit to look at initial plans for the proposed Marsh Barton Railway Station. The scheme included a new bridge over the railway line, adjacent to the existing bridge, for walkers and cyclists. This now featured slightly steeper but shorter ramps than previously recommended by Network Rail. The proposed gradients are within recommended accessibility standards for Devon County Council footbridges and would offer a more favourable gradient than the existing hump back bridge, used by motorised traffic, along Clapperbrook Lane. A formal planning application would be made by Devon County Council later in the year.

The working group agreed that the principle is good and would in itself offer improvements to recreational and functional access. Officers accompanying the working group had explained the different responsibilities of train operators and Network Rail.

It was agreed the proposed bridge gradient was acceptable provided there are sufficient resting platforms of an appropriate length and suitable non-slip surfacing on the ramps.

There was concern about the existing and potentially much higher use of the car park at the end of Clapperbrook Lane due to the narrow road and numbers of recreational access users, commuters and rail station users. The proposals included disabled parking only.

The plans for the station and provision of information points and shelters were good, provided the latter were available for disabled users.

It was agreed space for cycles on trains was a problem, together with accessibility of some stations further down the line for cyclists and disabled users. These matters fall within the responsibility of the train operator. The Exe Estuary was currently a major destination and people may come up by train to cycle down the estuary.

Devon County Council expect the station to be a 'destination station' which would lessen car parking problems in Marsh Barton and encourage sustainable travel. Proposed new jobs and housing, together with increased recreational use, might mean this was not the case and additional parking was recommended.

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The draft response presented by the working group was agreed. A few amendments were suggested and the response would include the following:-

1. Pedestrian access is an important and integral part of the scheme.
2. The crossing of the canal is difficult and dangerous in the summer and it is recommended that the scheme is extended across the canal.
3. The scheme should be future-proofed. Parking and other access improvements in and around the station could be secured through use of s106, raised from future developments.
4. Members raised some concerns about chicanes. Instances were cited of the removal of chicanes between Digby Station towards Exeter Chiefs' ground.

Even if some cyclists continued to use the road section, some vulnerable users would be taken off the road.

Action: Forum Officer to circulate draft to members.

8. Draft recreational trail proposals

A discussion took place on the draft document developed following the last meeting. Changes to the draft text and order were made for clarification and impact. It was agreed to include electric scooters in the section about electric bikes and power assisted mobility vehicles.

It was agreed that 'share with care' conveyed a stronger message than 'share this space' and other suitable short messages such as 'respect other users', 'give space' and 'pass with care' had potential to encourage safe use of trails. It was important to intersperse messages. It was thought subliminal positive images, such as a smiling face, might be effective.

It was agreed to mention accessibility and include the Disability Position Statement.

Action: Forum Officer to circulate a re-worded draft.

Bryan Smith had recently cycled on the newly opened Wray Trail and said it was a wonderful asset.

9. Minutes of the Public Rights of Way Committee held on 12 November 2019

Minutes of the Public Rights of Way Committee held on 12 November were noted. A policy change to the Definitive Map Review had been agreed which changed the end date of the parish reviews from 1 January 2020 to 1 January 2025.

10. Public Rights of Way update

Ros Mills reported that the Public Rights of Way team would be moving to Great Moor House, Sowton, due to refurbishment of Lucombe House at County Hall.

Some capital money was being spent on improvements to the surface of the Exe Estuary Trail between Bridge Road and Turf Locks. Signs, press releases and social media would be used to inform the public of the five-day closure.

A new form had been developed to enable landowners to apply for consent to change/improve the surface of public rights of way and state what work they plan to do at their own expense. This will enable surface suitability to be checked and record future maintenance responsibilities and requirements.

An App was being developed to log the asset inventory on each public right of way and would be rolled out in the summer 2020 using ARC GIS. Wardens would need to carry out this work as part of their regular inspection programme. It may mean an additional year is added to the current three-year inspection programme policy.

The legal records associated with recreational trails are complex and include information on ownership, restrictions and covenants. A conclusive map of these is being gradually put onto the GIS system and will assist management and maintenance.

Marta Gawron was introduced as the new Public Rights of Way Assistant Officer. Part of her duties will include dealing with some chargeable public rights of way work and a business case was made for the post. The Legal team at the County Council previously undertook aspects of this Public Path Order work.

Helen Clayton reported that the next Public Rights of Way Committee would be on 5 March. There were delays in the Planning Inspectorate, mainly due to the demands of coastal access inquiries. Dates over an eleven-month period, rather than its target six months, are currently being sought by the Inspectorate to hold local PRoW Public Inquiries.

The Public Rights of Way team would be bidding into some additional highway money that had been allocated for drainage.

11. Presentation by Jane Beech and Richard Andrews, Coastal Access team, Natural England.

Richard Andrews and Jane Beech, Natural England, presented details from the Combe Martin to Marsland Mouth and Cremyll to Kingswear reports for the England Coast Path, currently out for consultation. The presentations focussed on proposals for estuaries, significant realignments and exclusions/restrictions. Much of the coast falls under designations such as Special Areas of Conservation, Marine Coastal Zones, Scheduled Monuments, Sites of Special Scientific Interest, Heritage Coast, Areas of Outstanding Natural Beauty and Biosphere Reserve.

The England Coast Path will differ from the South West Coast Path in providing coastal margin land; land between the trail and the mean low margin which the public can use at their own risk.

Each stretch had now been divided into individual reports allowing work to commence on a report length if no objections had been received. Any objections

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received by the Secretary of State will have to be determined before work on that report route can start.

Earlier discussions and consultations with the South West Coast Path Association, Devon County Council, the Ramblers, the Disabled Ramblers, the Devon Countryside Access Forum and others had informed the published reports.

With estuaries, Natural England had discretion to stop at the estuarine limit or at the first pedestrian crossing point.

Combe Martin to Marsland Mouth

Richard Andrew explained that, in summary, this included one estuary; one direction to exclude access; one direction to restrict access; sixteen realignments from the current South West Coast Path route and 1.4km taken off-road (3.6km if the road section of the 'American Road' is included).

For the Taw and Torridge estuary it was proposed to align the route to the first pedestrian crossings, the Taw Bridge (Barnstaple) and Bideford Long Bridge, using the existing SWCP/ Tarka Trail. This would provide a continuous route around the estuary.

Realignments were proposed for:

- a) Chesil Cliff, Croyde, to take 80m of path off road.
- b) Braunton Burrows and Horsey Island, to take approximately 500m off-road at Saunton. The trail will be aligned seaward, taking the trail off 5.3 km of the 'inland' American road and path. The existing public right of way along the American road would still be available. At Horsey Island, discussions had taken place with the Devon County Council archaeological team about stone stiles. Some would be removed to improve access. Where these were listed, a suitable gate would be erected alongside to British Standard 5709: Gaps, gates and stiles (2018).
- c) Scheduled monuments at Gallantry Bower and Embury Beacon. The proposal is to align the trail to protect scheduled monuments and provide information boards to advise walkers of the site sensitivity. A question was asked about whether public rights of way would be realigned but currently these would remain as on the Definitive Map.
- d) East-the-Water. Aligning the trail on nearby pavements will take the trail out of the railway cutting and avoid steps and a road crossing.
- e) Dyer's Lookout. The current route is badly eroded and the proposal is to align the trail inland of the current SWCP route.
- f) Watertown, Appledore. Aligning the trail on the edge of the field and foreshore will avoid the current low tide (foreshore) and high tide (road) route. The route would protect high tide roosts.

A couple of directions were proposed to deal with high tide roosts, issues with dogs and nesting birds, and safety concerns around the mud flats and salt marshes.

A section 25A direction to exclude people from salt marsh and flats was proposed. This would not stop people with existing historic rights having access. This included a RSPB reserve.

A section 26(3)(a) long term dog restriction for Home Farm Marsh, run by the Gaia Trust, was proposed. Notices would be erected in key places. Home Farm was accessible for mobility scooters.

It was confirmed that monitoring of restrictions would take place by the Gaia Trust at Home Farm and by the Tav/Torridge Estuary Partnership and the RSPB on the estuary. Natural England had funded work on high tide roosts.

A large development was planned at Yelland Quay and Natural England will be consulted on nature conservation and the coastal path.

It was confirmed that there would be signs for both the SWCP and England Coast Path. The importance of continued signing into towns was raised as vital for the economy.

The Treasury would be funding the England Coast Path. Advantage had been taken of Rural Development Programme for England funding from the European Union whilst this had been available.

As part of the coastal path, an additional 1km stretch of route at Westward Ho! would be improved to allow access by mobility scooters.

Cremyll to Kingswear

Jane Beech outlined the position on the Cremyll to Kingswear stretch. The Plymouth area was included in the reports but was outside the Devon Countryside Access Forum area.

Seven estuaries were included, including the Tamar and Plym in the Plymouth area, plus five exclusions and ten realignments from the SWCP totalling 32 km (including) and 3km (excluding) alternative and temporary routes.

Proposals for the estuaries were as follows:

River Yealm

Option 3, aligning the route to follow the existing SWCP via a seasonal ferry, had been proposed. This would have an alternative route when the ferry was not running, using existing highways, public rights of way and an existing permissive route to extend to the first pedestrian crossing point.

Other options considered were; option 1, aligning the trail around the estuary to the first pedestrian crossing points at Wapplewell, Brixton and Yealmpton and, option 2, aligning the route to follow the existing SWCP route via the seasonal ferry. Option 1 would add 22.5 km to the path as gardens and historic parkland were excepted land. The alternatives were also constrained due to the convoluted nature of the estuary and limited views in dense woodland. The benefits of the other options would not justify substantial additional cost.

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It was noted that the former route of the old railway line had not been included as an aspiration/option. Natural England said it would have been hugely costly to replace the bridge.

River Erme

There were two options and option one had been selected. Option one would align to the existing SWCP across the estuary by fording at low tide between the two slipways at Mothecombe and Wonwell. It was acknowledged that this was only available for an hour either side of low tide and some users would not feel able to cross. Although there was an old footbridge farther up the estuary, the adjacent land was very marshy.

Option 1, along the estuary to the first crossing point on the A379 at Sequer's Bridge, had been considered. This route would have to avoid historic parkland (excepted land) and other challenges such as topography and land use of the estuary margins; nature conservation and land management interests; and pedestrian use of the A379.

River Avon

There were four options and option four had been proposed. This followed the existing SWCP route via an improved full-time ferry service between Cockleridge Ham and Bantham. Natural England would review the trail alignment and prepare a variation report if the ferry became less suitable. An alternative route, along the Avon Valley Walk, would be available when the ferry is not in service.

The other options considered were option 1, an estuary trail to the first crossing point at Aveton Gifford using the Avon Valley Walk. This would be away from the estuary with significant coastal margin. Option 2 would create a new estuary trail to Aveton Gifford. Option 3 was as option 4 but without the alternative route.

Kingsbridge Estuary

There were two options and option one, the existing SWCP route, had been proposed as there was a regular year-round ferry taking walkers between Salcombe and East Portlemouth. Option 2 would take walkers inland to the pedestrian crossing at Kingsbridge but the length of the estuary with all its inlets, 39 km, would make a waterside route challenging and expensive. There was also excepted land along the shoreline.

River Dart

Of the two options, option one following the existing SWCP route was proposed. The regular year-round ferry takes walkers between Dartmouth and Kingswear. Again, a waterside route was seen as inordinately expensive as option 2, to the crossing point at Totnes, would add 46 km and there was excepted land along the shoreline.

A number of key realignments within the Devon County Council highway authority area were suggested in the reports.

1. Mothecombe Beach. The current route is cut-off at high tide and for two hours either side. The proposal is to align the route along the seawall and

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include new steps. The possibility of a ramp was raised but Natural England said this was not possible and it was noted that the onward route was challenging.

2. Hallsands and Beesands. The SWCP route had been affected by erosion of the road following storms. The new coastal path route would follow the reinstated road, with potential to move back. At Beesands a route had been negotiated through the corner of a field.
3. Torcross. The SWCP was closed in 2018 due to storm damage and a temporary closure was in place. The diversion is currently along a narrow road and includes steps. The plan is to repair and build a new stone wall to allow reinstatement of the path along its original route.
4. Slapton Ley. Again, the route of the SWCP was affected by storms in March 2018. Natural England worked with the County Council and stakeholders to reinstate the path to the landward side of the new section of the A379. This path would be a more sustainable route should there be further erosion of the shingle ridge and road.
5. Strete. Consideration was given to aligning the trail to the seaward side of the A379 and Strete. However, buildings and gardens are adjacent to the cliff and there is strong community support for the route to continue through the village. There have been recent improvements to trail infrastructure and a reduction in village speed limits.
6. Stoke Fleming. Discussions with landowners have not enabled a route adjacent to the coastline to be proposed due to areas of excepted land (buildings, gardens and curtilage). The owners did not wish to voluntarily dedicate a route. The option is for a trail following a new seaward alignment between Church Road, in the centre of Stoke Fleming, and Redlap Lane west of Warren Point, via the public footpath and fields along Shady Lane.

A few restrictions have been applied, some to conform to other relevant legislation.

- Carswell Estate. A year-round total exclusion due to game birds and shooting is proposed.
- Mothecombe Beach. A seasonal dog ban would be put in place.
- Burgh Island. A total year-round exclusion is proposed due to land management and commercial activity.
- Blackpool Sands. A dog ban would be put in place.

Natural England was asked whether there was scope to subsidise ferries and the reply was that there may be incentives to bolster ferries. Natural England allocates money for the maintenance of the SWCP, which includes 100% of the costs to subsidise the ferries and 75% towards trail maintenance. One ferry had been changed to reflect land management interests. Natural England suggested that improvements could be included in representations made by the DCAF.

Gordon Guest had been asked to look at accessible sections by the Disabled Ramblers.

A working group was proposed to consider a response and Sue Pudduck, Tino Savvas, Gordon Guest, Bryan Smith, and Sarah Slade expressed interest.

Action: Forum Officer to circulate potential dates to all members.

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There was an eight-week period to make representations. Landowners could make objections. Representations will be compiled into a written report on which the Minister would make decisions. The Planning Inspectorate would deal with objections before presenting a report to the Minister. After final decisions had been made, Natural England would work with the local authority to open the stretches of England Coast Path.

12. To note and approve responses to consultation and any feedback.

12.1 Jurassic Coast World Heritage Site Partnership Plan

The response was noted and approved. A report should be published in February and a final plan adopted in April 2020.

12.2 Fire Beacon Hill

The response was noted and approved. The RSPB would be publishing a report shortly.

12.3 Pebblebed Heaths Visitor Management Plan

The response was noted and approved. The consultation report and recommendations had been published and these were being taken to the South and East Devon Habitat Regulations Executive Committee on 28 January.

12.4 Cranbrook Local Plan Examination

The response was noted and approved.

13. Current consultations

13.1 Mid Devon Local Plan Review – Proposed Main Modifications Consultation

It was resolved to write in support of the main modifications outlined in the agenda paper which were in line with previous Forum comments.

Action: Forum Officer

13.2 Network Rail. Public consultation on revised plans to protect vital rail line between Teignmouth and Dawlish.

Bryan Smith had attended one of the consultation events. Proposals included a new trail and opportunities to link with the National Cycle Network. It appeared the existing public right of way would remain a

footpath. Jo Hooper mentioned there were objections to the beach access plans.

Details of the remaining consultation events would be circulated. It was agreed to hold a working group to examine the implications for access. Jo Hooper and Bryan Smith expressed interest.

Action: Forum Officer

14. Any other business

14.1 Devon Local Nature Partnership Conference - 20 March 2020.

The Devon LNP conference details would be circulated when available and consideration given to attendance, depending on the topics being covered.

Action: Forum Officer

14.2 Devon Countryside Access Forum membership

The Forum Officer had circulated details of Forum membership to a range of bodies and organisations and was publicising it through the press and social media. The closing date was 21 February.

The Chair thanked Chris Cole, Sean Comber, Jo Hooper and Maggie Watson for their valuable input and support over the past three years. Maggie Watson had decided not to apply for a further term and was thanked for her inspirational and thought-provoking contribution.

15. Date of next meeting

The next meeting would be on 23 April, venue to be advised.



Virtual Fencing

Fire Beacon Hill Summer 2020

The Devon Red cattle on this site are a traditional way for us to manage the reserve, breeds like this would have grazed on Fire Beacon Hill since the 15th century, and they continue to enhance the landscape and wildlife on the reserve. To ensure the safety of our livestock we have always used fences to direct their grazing and prevent them running out onto the busy A3052.

We are now trialling a new ‘virtual fencing system’. Our desired boundaries are drawn online, linked to GPS collars worn by the animals. When an animal gets close to the boundary, the collar gives an audible warning, followed by a mild electric shock if the animal continues to walk through the boundary. These systems prevent unnecessary shocks to dogs, deer, or children, but dogs must be kept under control to prevent spooking the cattle.

Physical fences will remain for a period while we train the animals to the new collars, and some may remain on a more permanent basis where necessary, but eventually we hope to remove much of the electric fencing across the reserve. If you see cattle in areas without fencing, this is not a cause for concern, they are moved around the reserve periodically and this system allows us to graze new areas. Our virtual fences are updated online and if any issues arise with the collars or GPS system, we are notified immediately by text.

This system has been very successful in Norway, with a similar programme working effectively for European bison in Romania, and we hope to replicate their successes here. This system will increase the potential safe grazing area on the reserve, giving us more flexibility and improving the safety of our animals.

If you do have any concerns or questions, you can contact the RSPB Aylesbeare team on 01395 233655. More information on the virtual fencing system can be found on the ‘Nofence’ website.



FREE ROAMING CATTLE

If you see cattle in areas without fencing, this is not a cause for concern! The cattle at Fire Beacon Hill are currently trialling a virtual fencing system.

In place of physical fencing, our boundaries are being created with an online software, linked to GPS collars worn by the cattle. When an animal gets close to a boundary, the collar gives it an audible warning, followed by a mild electric shock if the animal continues to walk toward the boundary. These systems prevent unnecessary shocks to dogs, deer, or children, but dogs must be kept under control to prevent spooking the cattle. Our virtual fences are regularly checked and updated online and if any issues arise with the collars or GPS system, we are notified immediately by text.

If you have any concerns or would like to find out more, visit the Nofence website or call the RSPB office on 01395 233655.

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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	Strategic Planning SW Devon January 2020	Plymouth & South West Devon Supplementary Planning Document	<p>Discussed with Chair and sent short response.</p> <p>The Devon Countryside Access Forum advises that changes should be made to policy Dev 3.3. – Public Rights of Way and Bridleways.</p> <p>Bridleways are a category of public rights of way and not a separate type of route. However, the DCAF appreciates the specific needs of horse riders and it is worth highlighting this.</p> <p>The DCAF advises that Dev 3.3 and the wording in 3.94 should be amended along these lines (proposed additions in italics).</p> <p>Dev 3.3 Public Rights of Way <i>(footpaths and bridleways) and recreational trails.</i></p> <p>3.94 “There are opportunities to improve connectivity, particularly linking new development sites to existing recreational areas, green spaces, Public Rights of Way <i>and recreational trails.</i> Opportunities to increase, or improve, Public Rights of Way (PROW) alongside new development, will be actively pursued. <i>Early negotiations will need to take place with landowners to investigate the potential and discuss relevant land management needs and rights.</i></p> <p>The DCAF has also prepared a Position Statement on Green Space and the Forum advises that</p>

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			<p>the matters in this statement should be incorporated in the SPD, especially highlighted points which have not been fully addressed.</p> <p>The Position Statement refers to Natural England's Green Infrastructure standards. Natural England has recently published a revised draft framework, and this is attached.</p> <p>See outcome in Correspondence Log number 21.</p>
2	Marine Management Organisation January 2020	South West Inshore and South West Offshore Marine Plan	No action. The DCAF commented on previous iterations.
3	East Devon District Council 14.01.20	East Devon Affordable Housing SPD consultation	Outside remit. No response.
4	Dalwood Neighbourhood Plan Steering Group 18.01.20	Regulation 14. Pre-submission consultation.	Discussed with Chair. Neighbourhood Plan position statement submitted. A couple of comments were made advising that the use of colours on the public rights of way map obscured one of the footpaths. It was also not clear whether any recreational trails or the NCN went through the parish as these were on the key.
5	Devon County Council January 2020	Transport improvements in Starcross and Mamhead Road.	<p>The Forum Officer was alerted to this DCC consultation by the BHS Access Officer for Devon on 15/01/20.</p> <p>Discussed with Chair and local DCAF member and submitted brief response, below, based on previous advice on vulnerable road users.</p> <p>Proposals for Mamhead Road to increase widths and visibility are likely to increase traffic speed and vehicle size on what is essentially a rural road and could make it more dangerous for vulnerable road users.</p>

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			<p>The DCAF advises, in line with previous advice it has provided, that consideration should be given to the safety of vulnerable road users; walkers, horse riders and cyclists. Horse riders and walkers currently access Powderham Estate to the east, and substantial areas of Forestry Commission land along the Mamhead Road, for example at Kenton Hill. These link to further walking, riding and cycling areas at Haldon Forest Park. The Mamhead Road also leads to the Exe Estuary trail.</p> <p>One footpath of particular concern, (Kenton FP2), finishes at the Black Forest Lodge cross-roads and there is the option to walk into the Forest on the other side of the road. This is a difficult junction with poor visibility and a steep gradient and any traffic speed increases could have safety implications for horse riders and walkers. A nearby footpath, (Starcross FP 9), links the Kenton road to the Black Forest but again involves crossing the Mamhead Road. There are, in addition, a couple of bridleways in the area accessed from minor roads leading off the Mamhead Road.</p> <p>The Forum requests that the safety audit for this road scheme considers on-road use by non-motorised users, and where walkers and horse riders might be crossing the road, in order to determine whether any mitigation is required.</p>
6	Open Access Centre 05.02.20	Case number 2019088949 Notification of a discretionary restriction under Section 22	Information only. No action required.

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		<p>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 2020:</p> <p>11 February and 17 March</p> <p>8 of the 28 days allocated to this case have now been used.</p>	
7	<p>South Hams District Council and Plymouth City Council; 07.02.20</p>	<p>Local Green Space Development Plan Document. Designation Criteria for the Plymouth Policy Area.</p> <p>Views sought on the proposed methodology and the criteria the Councils will use to assess whether or not green spaces within the Plymouth Policy Area (as defined by the Joint Local Plan) should be formally designated as 'Local Green Spaces'</p>	<p>Discussed with Chair. Nothing specific the DCAF can add to the proposed methodology.</p>
8	<p>East Devon District Council 17.02.20</p>	<p>Public Consultation - Extension and Minor Variations of East Devon DC Public Spaces Protection Orders. Anti-Social Behaviour Crime and Policing Act 2014</p> <p>Proposal to extend for three years.</p>	<p>No action required. The Control of Dogs Order (made 2 May 2017) –</p> <p>(i) No changes proposed to general and district wide controls.</p> <p>(ii) Specified changes have been requested by town and parish councils and almost all refer to new children's play areas that require a dog exclusion in line with other play areas across the district, or minor amendments to descriptions or map.</p>
9	<p>Mid Devon District Council 21.02.20</p>	<p>Mid Devon District Council consultation event. It relates to the Adopted Masterplan SPD of the Tiverton Eastern Urban Extension (EUE). Removal of three housing clusters.</p>	<p>Outside DCAF remit.</p>

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10	North Devon District Council 13.03.20	2020 Public Spaces Protection Orders	Subject areas not within DCAF remit: intoxicating substances; public urination; anti-social behaviour and aggressive begging. (Sometimes PSPO cover dog control issues which are relevant to recreational access)
11	Torrige District Council 19.03.20	Winkleigh Neighbourhood Plan. Consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended).	Discussed with Chair. Plan incorporates relevant policy and reference to the DCAF position statement, as below. No further comment made. Policy CL2: Access to the countryside for leisure Existing public rights of way will be protected and enhanced. Subject to the impact on adjacent land users and the environment, proposals to extend and link public rights of way and create new routes (particularly where they link to well used areas such as the Winkleigh Sports Centre and playing fields/playground and Winkleigh Woods) will be supported. Developers should have regard to the Devon Countryside Access Forum Position Statement on Greenspace
12	North Devon Biosphere 23.03.20	Draft North Devon Marine Natural Capital Plan. The North Devon Marine Natural Capital Plan has been commissioned under the auspices of the North Devon Biosphere UNESCO Biosphere Reserve and the North Devon Marine Pioneer to pilot a Natural Capital Approach to management of the marine environment as a Pioneer project in the UK Government 25 Year Environmental Plan (YEP)	Peripheral to remit as focus on the marine environment.
13	Mid Devon District Council March 2020	Cullompton Town Centre Masterplan & Delivery Plan.	Discussed with Chair and sent Green Space position statement and Local Development

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			Framework and Planning Statement. Opportunity to comment on detail at a later stage.
14	Teignbridge District Council 25.03.20	Draft Teignbridge Local Plan (Part 1) 2020-2040: Quality as Standard.	<p>Discussed with Chair and sent agreed position statements on Greenspace and Disability Access to inform the Local Plan.</p> <p>Sustainable Communities Policy SC5: Infrastructure</p> <p>The Devon Countryside Access Forum notes point e) – “whilst recognising potential for development viability considerations, ensure that new development is provided with appropriate infrastructure as early in the development as possible. Connections to existing footpaths and cycleways should be delivered prior to occupation;” The Forum strongly supports this point but advises that the wording should be amended as these connections should include bridleways and restricted byways as well as footpaths. The phrase could be altered to “connections to existing public rights of way (footpaths, bridleways and restricted byways) and trails should be delivered prior to occupation.”</p> <p>Design and Wellbeing Policy DW17 – Long-Term Stewardship</p> <p>The Devon Countryside Access Forum particularly welcomes the policy on DW17 – Long-Term Stewardship as it has been concerned about the development of green spaces without adequate long-term funding in place for maintenance. This is required to ensure such spaces are well-maintained and continue to be places people enjoy accessing.</p>

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			For clarity, it would be helpful if DW17 made it clear that this policy did not apply to agricultural development.
15	Mid Devon District Council 11.05.20	Consultation on Design Guide - Supplementary Planning Document (SPD)	Outside remit
16	East Devon District Council 13.05.20	<p>Membury Neighbourhood Plan was formally 'made' by East Devon District Council on 27 April 2020.</p> <p>The Neighbourhood Plan now forms part of the Local Development Plan and will be taken into account in determining planning applications.</p> <p>The <u>Adopted Version of the Plan</u> is available to view on the East Devon District Council website.</p>	No action required.
17	East Devon District Council May 2020	Newton Poppleford and Harpford Neighbourhood Plan. Regulation 16 consultation.	<p>Discussed with Chair and Vice Chair and sent position statements on Neighbourhood Plans and Disability Access. Additional comments were made:</p> <p>The Forum welcomes the ambition to develop a future footpath and cycling strategy for the parish. In accordance with advice the Forum has previously given it would support improvements for multi-use (walkers, cyclists and horse-riders), wherever possible, which should also take into account the needs of disabled users.</p> <p>Consultation with landowners and land managers is strongly recommended at an early stage of planning and discussion and the Forum advises inclusion of this in the Plan.</p> <p>In terms of clarity, the wording for policy T3 – Public Rights of Way</p>

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			<p>would be better expressed as “The improvement and enhancement of existing public rights of way (footpaths and bridleways), the National Cycle Network and pavements will be supported.”</p> <p>The map on page 68 is not particularly comprehensible as the colours are insufficiently distinct. It is also unclear what is meant by “private footways” and “private”. Are these permissive routes? In which case, this would be a better term. Otherwise a footnote of explanation would be helpful, for example if they are unadopted highways.</p>
18	Mid Devon District Council 03.06.20	Mid Devon District Council Community Infrastructure Levy consultation.	<p>The Devon Countryside Access Forum submitted a representation to the previous Community Infrastructure Levy (CIL) consultation in 2015.</p> <p>The Inspector will be examining the 2017 Draft but Mid Devon District Council have asked the Inspector to also consider representations made to the 2015 Draft consultation.</p> <p>Discussed with Chair and confirmed that the DCAF representation sent in 2015 should be progressed.</p>
19	Kingston Neighbourhood Plan Team 17.07.20	Regulation 16 consultation on Kingston Neighbourhood Plan feedback.	<p>Position statement and request to include public rights of way previously sent in September 2019.</p> <p>Small policy amendment to KNP 7 now includes a reference to footpaths.</p> <p>Policy KNP7: Protecting the Landscape and Biodiversity. Development, either individually or cumulatively, shall not harm but should conserve and enhance the landscape and biodiversity by:</p>

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			safeguarding and conserving local features that make a positive contribution to the landscape, particularly Devon lanes, footpaths and hedgebanks, green lanes, green spaces and important trees;
20	Department for Transport. July 2020	Transport Decarbonisation Plan. Request for information and evidence.	Discussed with Chair and Vice Chair and sent draft advisory note on trails plus the position statements on Planning and Neighbourhood Plans.
21	Joint Local Plan Team 28.07.20 (Plymouth, South Hams and West Devon)	<p>The Plymouth and South West Devon Supplementary Document (SPD) is now adopted across the three Joint Local Plan authorities.</p> <p>All the documents, including a Consultation Response Report are available online: https://www.plymouth.gov.uk/planningandbuildingcontrol/supplementaryplanningdocuments/adoptedsupplementaryplanningdocument</p> <p>The Joint Local Plan authorities have also adopted the new Statement of Community Involvement (SCI).</p>	<p>For information only. (See number 1 in the Correspondence Log). The policy on public rights of way has been amended to reflect some but not all the comments made in the DCAF's submission to the consultation in January 2020. Reference is now made to recreational trails and landowners.</p> <p>DEV3.3–Public rights of way and bridleways 3.110 There are opportunities to work creatively with landowners to improve connectivity, particularly linking new development sites to existing recreational areas, greenspaces, Public Rights of Way and other recreational trails. Opportunities to increase, or improve, Public Rights of Way (PROW) alongside new development, will be actively pursued.</p>
22	Mid Devon District Council 13.08.20	<p>Mid Devon Local Plan Review 2013 – 2033 / Adoption Statement</p> <p>The Council adopted the Mid Devon Local Plan Review 2013 – 2033 on the 29 July 2020.</p> <p>Mid Devon District Council is updating the Written Statement and Policies Map for the Local Plan to reflect all modifications made and</p>	

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		<p>corrections needed and will publish these, together with its adoption statement and Sustainability Appraisal.</p> <p>The Mid Devon Local Plan Review 2013 – 2033 now carries full weight in the consideration of planning applications and replaces the Mid Devon Core Strategy (July 2007), Local Plan Part 2 (Allocations and Infrastructure DPD)(October 2010) and Local Plan Part 3 (Development Management Policies) (November 2013).</p>	
23	<p>East Devon District Council 11.08.20</p>	<p>Farringdon Neighbour Plan</p> <p>Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.</p>	<p>Consulted with Chair and sent Neighbourhood Plan position statement. Advised on small amendment to the walking and cycling policy (Farr 12) to include public rights of way. E.g. Development proposals to improve accessibility and extend local footpaths, bridleways and cycle-paths and strengthen links with the wider transport <i>and public rights of way networks</i> will be supported.</p>
24	<p>Bovey Tracey Neighbourhood Plan Steering Group August 2020</p>	<p>Pre-submission version of the Bovey Tracey Neighbourhood Plan.</p>	<p>Consulted with Chair and sent Neighbourhood Plan position statement.</p>
25	<p>Open Access Centre 27.08.20</p>	<p>Notification of a 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 22 September 2020.</p> <p>9 of the 28 days allocated to this case have now been used. The details of this restriction appear on the Open Access website</p>	<p>For information. No action required.</p>

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26	Open Access Centre 09.09.20	<p>Notification of a 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: -</p> <p>1, 8, 15, 22 and 29 October 5, 12, 19 and 26 November 3, 10, 17, 24 and 31 December</p> <p>23 of the 28 days allocated to this case have now been used. The details of this restriction appear on the Open Access website.</p>	
27	Open Access Centre 09.09.20	<p>Notification of a 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 next year: -</p> <p>7, 14, 21 and 28 January 2021 1 February 2021.</p> <p>5 of the 28 days allocated to this case have now been used.</p>	

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.

PUBLIC RIGHTS OF WAY COMMITTEE

5 March 2020

Present:

Councillors P Sanders (Chair), T Inch, J Brook, I Chubb, P Colthorpe, M Shaw and H Ackland

Apologies:

Councillors A Dewhurst and L Hellyer

* 123

Minutes

RESOLVED that the minutes of the meeting held on 12 November 2019 be signed as a correct record.

* 124

Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* 125

Devon Countryside Access Forum

The Committee received the draft minutes of the Devon Countryside Access Forum held on 23 January 2020.

Member and Officer discussion covered:

- that grant monies from Natural England had provided the funding for the additional 1km stretch of route at Westward Ho!; and
- inclement weather conditions causing damage through river and coastal erosion.

* 126

Parish Review: Definitive Map Review - Parish of Holsworthy

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/4) examining the Definitive Map Review in the Parish of Holsworthy in Torridge District.

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

RESOLVED that completion of the Definitive Map Review in the Parish of Holsworthy be noted and that no modifications be made.

* 127

Parish Review: Definitive Map Review - Parish of Cornwood (Part 2)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/5) which examined an anomaly between the Definitive Map and Statement for Footpath No. 26 Cornwood arising from the Definitive Map Review in the Parish of Cornwood.

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

RESOLVED that a Modification Order be made to modify the Definitive Map in respect of Footpath No. 26, Cornwood by deleting from it part of the footpath between points A –B and

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PUBLIC RIGHTS OF WAY COMMITTEE
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adding the footpath between points A – C – B, as shown on drawing number HIW/PROW/20/10 and as described in the Definitive Statement.

* **128** **Parish Review: Definitive Map Review - Parish of Hockworthy**

(Councillor Colthorpe declared a personal interest in this item by virtue of being a friend of Councillor H Bainbridge.)

The Chair read out an email from Councillor H Bainbridge, the Chair of Borden Gate Parish Council, in support of Proposal 1.

The Committee then considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/6) which examined one proposal for change arising out of the Definitive Map Review in the Parish of Hockworthy (within Borden Gate Parish Council) in Mid Devon.

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

RESOLVED that no Modification Order be made in respect of Proposal 1.

* **129** **Parish Review: Definitive Map Review - Parish of Lympstone (Part 3)**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/7) which examined an additional proposal arising out of the Definitive Map Review in the Parish of Lympstone in East Devon District.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath between points J – K as shown on drawing number HIW/PROW/20/08 (Proposal 4).

* **130** **Parish Review: Definitive Map Review - Parish of Talaton**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/8) which examined one proposal arising from the Definitive Map Review in the Parish of Talaton in East Devon District.

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

RESOLVED that no Modification Order be made in respect of Proposal 1.

* **131** **Parish Review: Definitive Map Review - Parish of Payhembury**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/9) which examined a proposal arising out of the Definitive Map Review in the Parish of Payhembury in East Devon District.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding public footpaths between points A – E, E – H – N and E – P as shown on drawing HIW/PROW/20/11.

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PUBLIC RIGHTS OF WAY COMMITTEE
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* 132 **Public Inquiry, Informal Hearing and Written Representation Decisions;
Directions and High Court Appeals**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/10) on decisions received from the Secretary of State.

* 133 **Modification Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/11) on Modification Orders confirmed as unopposed under delegated powers.

* 134 **Public Path Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/12) on Public Path Orders made and confirmed under delegated powers.

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

The Meeting started at 2.15 pm and finished at 3.17 pm

Devon Countryside Access Forum

Statement and Recommendations

Trail Safety

Introduction

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...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this includes the County Council.

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 Devon Countryside Access Forum is providing the following advice on trail safety following discussions at its meetings, site visits and participation by a couple of members in joint meetings with the Exe Estuary Management Partnership and Devon County Council.

The Forum is committed to the principle of multi-use and accessible trails which enable a wide range of users to access the countryside. By multi-use the Forum means accessible to all users: walkers, cyclists, horse-riders and those with mobility scooters or prams. Multi-use offers sustainable transport options, particularly where safe off-road routes are available, and contributes to individual and community health and well-being and to the environment.

What are some of the issues?

1. There is a perception that conflict on trails may be increasing and in particular on the Exe Estuary Trail where there has been a significant rise in the number of users. A few complaints have been received by Devon County Council. Conflict is defined as a situation which usually arises when the behaviour of one user interferes with the safety or perceived safety of the other user. Conflict can arise within user-type (for example, cyclists or dog walkers) or between different user types (for example, between a dog-walker and cyclist or between a walker and horse-rider).
2. Some trails, for example the Exe Estuary Trail and parts of the Tarka Trail and Drake’s Trail are used by both recreational and functional cyclists. Commuting cyclists often prefer a harder, sealed surface and the capacity to cycle at speed. Downhill stretches, harder surfaces and use of Apps, such as Strava, which promotes ‘personal best’ routes, can encourage cyclists to go faster.

Any improvements can also result in increased usage.

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3. The use of electric bikes and improved mobility vehicles means that additional numbers using powered assistance are accessing the trails. These may include other novel electric-assisted vehicles. These are currently designed to assist riders up to 15.5 mph. Although not currently legal, there may be changes to permit use by electric scooters which can travel at a higher speed.
4. Financing for trails often means that a sealed surface is provided to reduce long-term maintenance costs.
5. Existing infrastructure sometimes means that it is not possible to achieve a consistent standard for a route in its entirety.

Recommended pilot schemes and initiatives

Signs

- a) The use of National Cycle Network signs implies that a route is primarily for cyclists. These signs could be supplemented with additional information.
- b) Share this space' messages are useful and are supported by the DCAF. However, consideration needs to be given to managing people on the route and slowing people down, where needed.
- c) Other messages could provide a stronger impact for example 'share with care', 'respect other users', 'give space' and 'pass with care'.
- d) Appropriate photographic signs, as being piloted on the Grand Western Canal, could be used where there are specific issues with visibility and to alert people to other users on the route. These might be applicable at the entrances to tunnels, dimly lit to protect bats, or on sharp bends.
- e) 3D imagery or signs on the ground could have an impact where there are perceived areas of conflict or at entry points to a route. This might be where a trail narrows or along sections where there are greater numbers of users.
- f) Ideally, signs should be varied from time to time to avoid becoming part of the scenery. Equally, too many signs can be intrusive in the landscape, particularly on more rural routes and careful consideration needs to be given to placing these at locations with the greatest impact. Subliminal images such as a smiling face could be effective.

Engineering solutions

- g) Consideration should be given to providing sections that do not have sealed surfaces to allow for a slower route and a more enjoyable recreational

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experience. This could be achieved by offering parallel routes with different surfaces.

- h) Road commuting should be improved to ensure commuting cyclists have a safer road space.
- i) Rumble strips and other calming measures should be trialled at identified conflict points with an opportunity to feedback on different options. This would provide a learning experience and evidence base.

Partnership approaches

- j) Collaboration with local businesses and sponsorship for signing would be useful to explore.
- k) Some trails include on-road sections. It might be possible to use a Quiet Lanes approach, as permitted under the Transport Act 2000, in consultation with parishes and other stakeholders to educate car users that other recreational users may be using the road. This 'share with care' or 'expect and respect' approach, as used in Gloucestershire and Suffolk, might allow soft landscaping, changes to roads and verges, different surface treatments and the provision of passing bays. Monitoring of usage and behaviour change should be included as part of any trial.
- l) Sustrans volunteers are out on the trails and engage with users. Liaising with Sustrans might help in getting messages across to trail users.
- m) Friends' groups can sometimes attract funding from charities and other sources not available to councils. It is recommended that a community enabler might explore the capacity to establish Friends' groups for some of the more popular trails. As well as a fundraising role, such groups could raise awareness of local issues.

Publicity and education

- n) An awareness campaign could be funded where there are particular issues, ideally with an officer to liaise with users.
- o) Marketing and social media campaigns around soft messaging could assist alongside upfront website information.

Additional aspects

- p) The provision of car parking, refreshments and toilet facilities are additional aspects which should be considered alongside the trail itself. These may be essential for some users to be able to access or enjoy the trail. The 1949 National Parks and Access to the Countryside Act recognised the importance of refreshments on national trails. Similarly, long local trails would benefit from the provision of facilities to encourage users and potentially provide business opportunities.
- q) Solutions need to be sustainable to reduce the financial liability.

Devon Countryside Access Forum

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Parson's Tunnel to Teignmouth Resilience project
Network Rail Ltd.
167-169 Westbourne Terrace
LONDON
W2 6JX

26 February 2020

Dear Sir/Madam

Parson's Tunnel to Teignmouth Resilience Project

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..." Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this includes the Secretary of State for the Department of Transport.

The DCAF currently has fourteen 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.

Members of the Devon Countryside Access Forum note the proposals to improve the resilience of the rail line between Parson's Tunnel and Teignmouth and recognise the importance of this. A working group was held on 10 February to consider access related elements and the following comments have been approved by the whole Forum. This response will be on the agenda for formal approval at the next meeting on 23 April.

The Forum has already produced two position statements relevant to this proposal; the first on greenspace and the other on disability access.

Existing proposals

The Forum recognises the importance of greenspace and green corridors to health and well-being. The resilience project proposals accord with some of its green space aspirations and in particular:

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.

Agenda Item 15.1

- 1) The wider seafront promenade walk, part of the South West Coast Path, is supported. The Forum notes and welcomes the wider viewing area at Sprey Point and the incorporation of benches.
- 2) The inland path, linking to the seaward path, will provide a circular walk for walkers, dog walkers and those with mobility vehicles and buggies.
- 3) The rail crossing and ramped access will improve safety and access for those with disabilities.
- 4) The ramps connecting Smugglers Lane to Holcombe Beach will enable improved access to this area.

Additional aspirations for improved access

Forum members made several observations and advises that these should be given further consideration at this early stage in the development process. There are opportunities to make further alignments to access and appropriate links.

- a) Ramps connect to Holcombe Beach but there is no provision for disabled parking at the bottom end of Smugglers Lane. This would be a welcome addition in enabling disabled users to make full use of this additional access.
- b) There is no ramped access leading to the beach at Sprey Point. This would not only improve access to this part of the beach for disabled users but also provide escape access to ensure disabled people are not cut-off at high tide. To minimise impact on the beach, the ramped access could be built into the revetment.
- c) Additional escape access steps should be included in the plans.
- d) The amenity area at Smugglers Lane could include seats and an interpretation/information board about the history of the area and development of the resilience project.
- e) The Forum's aspiration is to encourage provision of access for the maximum groups of users. This is a costly scheme of which access is only a small element. In this context, the Forum advises that cycle use should be explored along the new landward path. This would enable cyclists, including family groups, to cycle and enjoy sea views. A widening of the path from the planned 3m should be investigated to see whether it is technically feasible without impacting on the beach, as well as whether a segregated route would be beneficial in view of the anticipated popularity of a shared-use route. Calming measures, such as rumble strips, could be put in place. The Forum is aware of safety considerations around shared-use and 3m would be insufficient to allow safe use or a divided path. Not permitting cyclists could mean that, for example, families with small children who could otherwise use small bikes/trikes would therefore not be able to enjoy the full walk, and this does seem a missed opportunity.
- f) In conjunction with e) above, the provision of cycle racks would allow people to dismount and enjoy this area on foot. This would also encourage people to visit the area using more sustainable methods of transport.
- g) Sensitive low-level lighting may be appropriate to enable maximum and safe use of the area, particularly by users with visual impairment who often holiday in one of the Teignmouth hotels catering for their requirements.
- h) The aesthetics of the scheme, as viewed from open space and beaches, are critically important in terms of enjoyment.

Consultation process and general comments

The Forum would encourage involvement by young people in the consultation process, if this has not specifically been undertaken already.

It is hard to differentiate the full difference between what is there now and the current proposals and in particular impacts on the beach area at all levels of tide.

There does not appear to be any information on the impact of works on current recreational access to the area and how this will be addressed over the lengthy period of building work.

The Forum would encourage Network Rail to work with partners to ensure that travel links to the seawall from communities at both ends of the project are as sustainable as possible.

The Devon Countryside Access Forum would like to be kept informed as the plans develop and to be consulted on any access related proposals.

Yours faithfully



Hilary Winter
Forum Officer

Response sent on behalf of the Devon Countryside Access Forum

*Chair: Sarah Slade
Vice Chair: Chris Cole*

Coastal access reports

Combe Martin to Marsland Mouth

Cremyll to Kingswear

Devon Countryside Access Forum comments

Submitted on the representation forms

Combe Martin to Marsland Mouth

Generic comments

1) Signage

This comment relates to chapters CMM 1; CMM 2; CMM 3; CMM 4; CMM 5; CMM 6; CMM 7; CMM 8; CMM 9; CMM 10.

The Devon Countryside Access Forum expects, as part of the implementation process, that signage and waymarking will be clear, especially at points of decision where paths may go in different directions. Signage should reflect the nature of the path and be appropriate to the landscape to avoid sign clutter or urbanisation. Users should be encouraged to have maps available, especially away from residential areas.

2) Complex roll-back

Chapters CMM 1; CMM 2; CMM 3; CMM 4; CMM 6; CMM 7; CMM 8; CMM 9; and CMM 10.

The Devon Countryside Access Forum notes the significant number of more complex roll-back locations which have been identified in the reports. There is concern that there is no limit to how far inland roll-back might apply, given excepted land and environmental obligations. The Forum agrees that simple roll-back should take place. The Devon Countryside Access Forum advises that it does not seem appropriate for roll-back to take place in the complex situations cited in the reports. Roll-back does not provide any statutory process for consultation, and could impact on landowners hitherto unaware that their land could be affected.

The Devon Countryside Access Forum advises that it would be more appropriate to publish variation reports in these instances to formally allow landowners and others, such as the DCAF, to make objection or representation.

Agenda Item 15.2

3) Disability access

Chapters CMM 1; CMM 2; CMM 3; CMM 4; CMM 5; CMM 6; CMM 7; CMM 8; CMM 9 and CMM 10.

The Devon Countryside Access Forum is aware that many sections of the coast path include man-made obstacles such as path furniture (stiles, steps and gate design), narrow chicanes or lack of drop kerbs which make access difficult for people with limited mobility. There are other instances where upgrades to path surface, width or drainage could make access easier. The Forum advises that Natural England considers this in implementing the England Coast Path in Devon and works with land managers and other partners to secure improvements. It may be possible to identify particular stretches of path where the gains to access would be most beneficial. While the Forum recognises that issues of topography might make accessing some areas challenging, there are often many simple actions which can be taken to improve access for disabled people.

To give an example, the kerb in this photo (on the existing South West Coast Path) makes access through the gate difficult but could be replaced at modest cost with a ramp .



Specific comments

a) Watermouth Castle and The Warren

Chapter CMM 1
Map CMM 1b. Broad Strand to Samson's Bay.

The Forum notes and supports the change to avoid the car park and boatyard.

b) Lantern Hill

Chapter CMM 1.
Map CMM1d. Larkstone Beach, Ilfracombe to Seven Hills, Ilfracombe.

The Devon Countryside Access Forum supports the continuation of the existing SWCP route.

c) Shag Point

Chapter CMM 2.
Map CMM 2b Flat Point to Lee Bay.

The Devon Countryside Access Forum had suggested a more seaward route but notes the comments about unstable cliffs and excepted land (gardens). Use of the current SWCP route is therefore supported.

d) Morteheo

Chapter CMM 2.
Map CMM 2f. Sharp Rock, Morteheo to Woolacombe

The Devon Countryside Access Forum supports the proposal for a newly created route off-road with spectacular views CMM 2-S035 to CMM-2-S041 will be a safer route, even with the two road crossing points.

e) Chesil Beach

Chapter CMM 4.
Map CMM 4a. Cock Rock, Croyde to Saunton Surf Livesaving Station.

The Devon Countryside Access Forum welcomes the new safer route proposal as this avoids on-road walking and provides a road crossing point with better visibility.

f) Saunton

Maps CMM 4a: Cock Rock, Croyde to Saunton Lifesaving Station; 4b: Saunton Lifesaving Station to Braunton Burrows (Nature Reserve); 4c: Braunton Burrows (Nature Reserve); 4d: Braunton Burrows (Nature Reserve) and 4e Braunton Burrows (Nature Reserve) to Crow Beach House.

The Devon Countryside Access Forum welcomes the seaward route, between the junctions of CMM-4-S011/S012 and CMM-4-S018/S019, avoiding the road.

g) Horsey Island

Chapter CMM 4.
Map CMM 4f. Crow Beach House to Horsey Island.

The Devon Countryside Access Forum agrees with moving the route to the inner flood bank, CMM 4-S022 to 4-S026, as the outer flood bank has been breached, particularly as the area will have a long-term access exclusion.

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h) Barnstaple

Chapter CMM 5.

Map CMM 5d. Pottington Business Park to Taw Bridge.

Although Natural England is proposing a route over the first crossing point of the river, the Devon Countryside Access Forum recognises the economic importance of signing walkers to Barnstaple and advises that appropriate and detailed signs to amenities and the town are installed.

i) Dyer's Lookout

Chapter CMM 10.

Map CMM 10b. Smoothlands to Warren Beach.

The problems with erosion are critical at this point and the Devon Countryside Access Forum supports a less steep route that zigzags slightly inland.

Cremyll to Kingswear

Generic comments

1) Ferries generally

This comment relates to CKW 2; CKW 3; CKW 4; CKW 5; CKW 6; CKW 7; and CKW 9.

The Devon Countryside Access Forum advises that comprehensive information about ferries and alternative options should be available to assist people undertaking a long-distance walk.

2) Signage

This comment relates to CKW 2; CKW 3; CKW 4; CKW 5; CKW 6; CKW 7; CKW 8; CKW 9. (Chapter CKW 1 does not fall within the geographical area covered by the Devon Countryside Access Forum).

The Devon Countryside Access Forum expects, as part of the implementation process, that signage and waymarking will be clear, especially at points of decision where paths may go in different directions. Signage should reflect the nature of the path and be appropriate to the landscape to avoid sign clutter or urbanisation. Users should be encouraged to have maps available, especially away from residential areas.

3) Complex roll-back

The same comment has been made for CKW 2; CKW 4; CKW 5; CKW 7; CKW 8 and CKW 9.

The Devon Countryside Access Forum notes the significant number of more complex roll-back locations which have been identified in the reports. There is concern that there is no limit to how far inland roll-back might apply, given excepted land and environmental obligations. The Forum agrees that simple roll-back should take place. The Devon Countryside Access Forum advises that it does not seem appropriate for roll-back to take place in the complex situations cited in the reports. Roll-back does not provide any statutory process for consultation, and could impact on landowners hitherto unaware that their land could be affected.

The Devon Countryside Access Forum advises that it would be more appropriate to publish variation reports in these instances to formally allow landowners and others, such as the DCAF, to make objection or representation.

4) Disability access

Chapters CMM 1; CMM 2; CMM 3; CMM 4; CMM 5; CMM 6; CMM 7; CMM 8; CMM9 and CMM 10.

The Devon Countryside Access Forum is aware that many sections of the coast path include man-made obstacles such as path furniture (stiles, steps and gate design), narrow chicanes or lack of drop kerbs which make access difficult for people with limited mobility. There are other instances where upgrades to path surface, width or drainage could make access easier. The Forum advises that Natural England considers this in implementing the England Coast Path in Devon and works with land managers and other partners to secure improvements. It may be possible to identify particular stretches of path where the gains to access would be most beneficial. While the Forum recognises that issues of topography might make accessing some areas challenging, there are often many simple actions which can be taken to improve access for disabled people.

To give an example, the kerb in this photo (on the existing South West Coast Path) makes access through the gate difficult but could be replaced at modest cost with a ramp.



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Specific comments

a) Yealm Estuary

CKW 3 – Maps CKW 3a (Warren Point to Wembury) through to CKW 3j (Bridgend to Ferry Wood, Noss Mayo). Maps in CKW 3 are the major ones for this representation.

CKW 2 – Map CKW 2f (Connor's Cover to Yealm Estuary)

CKW 4 – Map 4a (Yealm Estuary to the Warren)

The use of the ferry crossing is supported. However, the Forum is disappointed that Natural England has not been able to take the alternative route closer to the estuary. It recommends that Natural England explore the potential of increasing the ferry service, for example at weekends in the winter.

b) Mothecombe Beach and Meadowsfoot Beach

Chapter CKW 5.

Map CKW 5a. Mothecombe Beach to Redcove Point CKW-5-S001 and CKW-5-S002

The Devon Countryside Access Forum supports changes to the route as it would be available at all times and less susceptible to high tide.

c) Erme Estuary

Chapter CKW 5.

Map CKW 5a. Mothecombe Beach to Redcove Point

The Devon Countryside Access Forum recognises the difficulties involved in providing a continuous route across the Erme. However, the Forum is disappointed that no alternative route is proposed for the estuary. It is only possible to wade across the river at low tide and for an hour either side. This limits not only the time available but also presents a barrier for those not confident enough or able to wade across. The Devon Countryside Access Forum would encourage a review of this decision to see whether an appropriate alternative route can be found. Concerns about safety using the A379 are appreciated but the Forum would like this route, and the area immediately around it, to be reassessed in terms of potential improvements that would make it safer for access users. There is already a convenient bridleway link to Hollowcombe Cross on the A379 (Holberton Bridleway 5).

d) Avon Estuary

Chapter CKW 6.

Maps CKW 6a. Cockleridge Ham to Bigbury

6b. Bigbury to Tidal Road

6c. Tidal Road to Little Efford Farm

6d. Little Efford Farm to Stiddicombe Wood.

Also shown in part in Chapter CKW 5, map CKW 5f. Bigbury-on-Sea to the Avon Estuary, and Chapter CK7, map CKW 7a: Bantham to Butter Cove).

The Forum strongly supports proposals for the Avon Estuary, provided that the anticipated improvements to the ferry service are put in place. The alternative route runs relatively close to the estuary and is the current alternative route for the South West Coast Path.

d) Stoke Fleming

Chapter CKW 9.

Maps CKW 9e. Blackpool Sands to Redlap Lane

CKW 9f. Redlap Lane to Willow Cove.

The Forum welcomes the improvements that have been made to achieve a more seaward route. If there are opportunities in the future to move section CKW-9-S043 seaward through dedication by the landowner, the Forum hopes that Natural England will explore this.

North Devon Pioneer Environmental Land Management Trial Beauty, heritage and engagement with the environment theme The Public Access Network sub theme

Response from the Devon Countryside Access Forum

Questions

Should this (enhanced access to and engagement with the natural and historic environment) be a particular priority for this area?

Enhanced access to and engagement with the natural and historic environment should be a priority in delivering an ELM trial.

In May 2018, the Devon Countryside Access Forum responded to the Defra consultation; Health and Harmony: the future for food, farming and the environment in a Green Brexit. It made the comment that “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.

If Yes, what aspects of this ELM objective do you think should be prioritised in this landscape area and why?

Public access should be one of the priorities in this landscape area.

The maps for public access are helpful but it would be very useful if these could differentiate between different types of rights of way: footpaths, bridleways, restricted byways and byways open to all traffic. The type of existing public right of way will influence suggestions for improvements and have a bearing on what could be achieved for different user groups. Maps should also show the on and off-road recreational trails which may not have public right of way status and are not depicted as such, for example significant sections of the Tarka Trail are not on the maps and nor are some unsurfaced county roads which also have public access. Similarly, some land open to the public owned by other organisations is not included but these areas are very relevant if improvements are to be discussed. For example, Halsdon and Meeth Quarry nature reserves managed by the Devon Wildlife Trust and Wistlandpound Reservoir operated by the South West Lakes Trust.

Enhancing and improving access and, at the same time, supporting land managers financially is supported by the Devon Countryside Access Forum. If people can be encouraged to use their local access network this is beneficial for health and wellbeing.

The Devon Countryside Access Forum has produced several position statements (Local Development Frameworks and Major Developments 2015; Neighbourhood Plans 2016; Liaison with Land Managers rev.2016; Disability Access 2017 and

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Greenspace 2019). Priorities taken from these highlight the aspects of this ELM objective where focus could be directed.

1. Consider the improvement or upgrading of routes, for example through surface improvement; design or improvements to meet the requirements of those with mobility needs; and upgrading to permit horse riding and cycle use. Where possible routes should be multi-use, allowing access for all users, in accordance with Devon County Council's Rights of Way Improvement Plan. <https://www.devon.gov.uk/prow/rights-of-way-improvement-plan/> (Multi-use means use by all users: walkers, cyclists, horse-riders and those using wheelchairs, mobility scooters or buggies). Surfaces and use of materials should be appropriate for the intended use and respect the character of the surrounding environment. For example, it may be appropriate to have a hard-tarmac surface for key routes for all users, including cyclists and disability users. Elsewhere, softer surfaces more in keeping with the environment could be adopted and allow use by other recreational access users such as horse riders;
2. consider improved links and connectivity to existing rights of way, trails and greenspace;
3. consider creating off-road routes within and between communities and to schools or other facilities to reduce car use;
4. seek to develop circular routes of varying lengths to encourage healthier lifestyles and minimise car use;
5. seek to secure the safety for rights of way users where routes meet or run alongside busy or dangerous roads;
6. give adequate consideration to the requirements of those with mobility needs in the design of new walking, cycling and multi-use routes, and in the improvement of existing routes;
7. provide new areas of greenspace and seek to improve biodiversity alongside such provision; and
8. protect and enhance heritage assets within new greenspace areas.

Whilst it is not anticipated that the provision of facilities associated with increased cycling to schools, places of employment and other community amenities will be included in the ELM scheme, it is nonetheless important to recognise these will influence take-up of cycling and could be encouraged as part of overall thinking about any project. These include safe and secure storage; changing, drying and hot drink facilities; and arrangements in schools to assist safe and regular cycling. Funding might be available through other sources.

The Forum has previously discussed access for dog owners, the most significant group. In some areas, dogs may need to be excluded for conservation reasons but equally there is a need for areas where dogs can be exercised off lead.

Landscape considerations should be thought about when developing new routes or any associated car parking.

Please list any key datasets or reports that evidence your view

Please find position statements attached.

Rationale for targeting areas and/or any thoughts on whether appropriate/feasible to identify target areas for this particular ELM outcome. If not, should delivery be targeted in some other way?

It would be inappropriate for desire lines or target areas to be drawn on maps without first consulting landowners.

It should be possible to identify parishes where the level of access provision, either linear or area, is poor or where the connectivity between routes could be improved to provide a better experience.

Landowners need to be aware of the legal possibilities and options, for example whether to create a permissive path; dedicate a route through agreement with the Parish Council (Highways Act, section 30) or seek a Creation Agreement with Devon County Council under the Highways Act 1980, section 25. As outlined in the position statement there are other things to be considered such as impact on any grants previously received; maintenance and insurance liability; land management considerations; farm tenant matters and so on. Whether landowners or land managers are interested in an ELM scheme will much depend on the financial options available for installation and maintenance and the legal and liability criteria that are established. From a land management and environmental perspective there might be a maximum capacity on certain routes/areas, or restrictions might be needed at certain times of year.

A clear methodology needs to be established for determining access priorities and funding. This should include not only new access, but existing access and the public benefits gained from that.

Please identify how you feel the priorities you have identified above could best be delivered in the local area. We are not looking for a high level of detail here, more for general principles or ideas (for example where you feel landscape scale projects are required to deliver the required outcome, or if there are sites/situations where land management could be particularly effective in delivering multiple outcomes).

The priorities could best be delivered by liaison with appropriate groups, for example Parish Councils, Neighbourhood Plan or Parish Paths Partnership (P3) groups, where these are active. Improvements to access might already have been identified at a local level. The earliest possible discussion with landowners is imperative in this process.

Encouraging a group of landowners to work together on a landscape scale has potential, as was identified in the DCAF response to the Health and Harmony consultation. This could offer new and improved opportunities; longer circular or multi-use routes, or routes linking places to eat or tourist attractions. New access which extends over parish or holding boundaries or which links to urban centres could deliver enhanced opportunities.

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From the functional access perspective, safe routes to schools and other facilities could assist in reducing car use and encouraging physical activity.

Where possible, enhanced access should seek to deliver the maximum benefits for health and wellbeing, different user groups and the economy, whilst balancing other considerations such as environmental and land management requirements and health and safety needs.

How do you think local stakeholders should be involved in setting local priorities for ELM?

The priorities could best be delivered by liaison with appropriate groups, for example Parish Councils, Neighbourhood Plan or Parish Paths Partnership (P3) groups, where these are active. Improvements to access might already have been identified at a local level. The earliest possible discussion with landowners is imperative in this process.

Encouraging a group of landowners to work together on a landscape scale has potential, as was identified in the DCAF response to the Health and Harmony consultation. This could offer new and improved opportunities; longer circular or multi-use routes, or routes linking places to eat or tourist attractions. New access which extends over parish or holding boundaries or which links to urban centres could deliver enhanced opportunities.

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Tiverton EUE (Area B) Public Consultation
Growth Economy and Delivery
Mid Devon District Council
Phoenix House
Tiverton
EX16 6PP

8 April 2020

Dear Ms McCombe

Tiverton EUE (Area B) Public 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...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this includes District Councils.

The DCAF currently has fourteen 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 public meeting of the Devon Countryside Access Forum. This response reflects previous advice given by the Forum and will be on the agenda for formal approval at its next meeting, when a date can be arranged.

The Devon Countryside Access Forum is attaching its Greenspace Position Statement to inform the development of appropriate greenspace associated with the Area B development in Tiverton.

Proposed country park and its future management

The Forum would like to provide specific comments on the proposed new country park,

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26 ha in size. Abutting the existing Grand Western Canal country park, the new area allocated for an additional country park will be a very valuable addition. It will create a larger total greenspace area and be an important recreational access area for residents of the new development, as well as providing sustainable transport options. However, the Forum does have some concerns, as outlined below:

The Terms of the Masterplan state that “the plan is illustrative and as such is designed to provide guidance about the quantity and location of different land uses as well as where key connections should be made throughout the neighbourhood. The plan is intended as a flexible tool so that the shape of different aspects of the new garden neighbourhood can be designed in many ways to respond to different circumstances. The actual position and alignment of routes, shape of blocks, streets and open space will of course vary from what is illustrated in the plan.”

The Devon Countryside Access Forum advises that the new country park, along with additional open space, gardens, allotments and green connections, are integral to the success of the development and the health and well-being of residents. It therefore advises that the park and additional green elements should not be diminished or compromised during the planning and development process.

The Forum regards the financing of open space and its future maintenance as highly important. Robust arrangements need to be put in place, particularly for the country park which should be considered separately from the smaller areas within the site. The Forum notes that planning obligations (section 106) may be used to finance the initial provision of the country park but that “day to day management and routine maintenance of existing open space may not be funded by S106” (MDDC Cabinet meeting, 7 March 2019). In this respect, the Devon Countryside Access Forum strongly supports comments in the Masterplan referring to the need to establish mechanisms for the funding and “robust and consistent” future maintenance arrangements as part of the planning application(s) and before any development takes place. Arrangements for an appropriate management trust or company must be explored, together with future funding in the long term, to ensure stewardship of these assets in perpetuity. As the adjoining Grand Western Canal country park is currently owned and managed by DCC, it would be appropriate for early discussions to take place to see whether a suitable agreement could be forged to secure the provision, management and maintenance of the country park in Area B. To ensure this park is used, valued and respected by local residents, it is important that it is well-managed and maintained to deliver access and biodiversity benefits.

Sustainable transport

The development of Area B provides an opportunity to ensure excellent cycling infrastructure: within the development, making use of the existing Sustrans route along the old railway line and adding new sustainable transport connections to employment, retail and leisure areas. These aspirations are included in the Masterplan and reference is made to “delivery of a robust Travel Plan including measures and targets to maximise the transport sustainability of the development, minimising its carbon footprint and any adverse air quality effects.” Mid Devon District Council is advised to ensure that developer contributions, cited in the Masterplan, towards well-connected cycling infrastructure and pedestrian links to the railway walk, Grand Western Canal and nearby rights of way are indeed secured at the outset. Maintenance of these links is a factor that also needs early consideration to ensure long term funding.

The Forum would be pleased to receive feedback.

I should be grateful if you could acknowledge receipt of this submission.

Yours sincerely

A solid black rectangular box used to redact the signature of Hilary Winter.

Hilary Winter
Forum Officer

Letter sent on behalf of the Devon Countryside Access Forum

*Chair: Sarah Slade
Vice Chair: Chris Cole*



Proposed Public Spaces Protection Order

Response from the Devon Countryside Access Forum

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PSPO Consultation 2020

1.0 Introduction

Public Spaces Protection Orders (PSPO) are a control measure, created by the 2014 Anti-Social Behaviour, Crime and Policing Act, intended to deal with specific nuisances or problems in a defined area that are:

- detrimental to the local community's quality of life, and;
- unreasonable, and;
- persistent or continuing in nature.

The Council has used dog control orders made under the Clean Neighbourhoods and Environment Act 2005. These became PSPOs under transitional provisions in the 2014 Anti-Social Behaviour, Crime and Policing Act, but these PSPOs will expire in October 2020. The Council also has existing byelaws dealing with dogs on leads in certain parks and prohibiting dogs in play areas.

PSPOs are available to Local Authorities to deal with specific nuisance problems - in particular areas that are having, or are likely to have, a detrimental effect on the quality of life for those who live, work or play within the locality. An order can prohibit or restrict certain activities and is designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

The purpose of this consultation is to seek views on the Council's intention to implement a new Public Spaces Protection Order in relation to dog controls within the Mid Devon District Council boundary. The proposed PSPO is centred on improving and protecting the local area for the people residing, working, trading, and visiting the area. We value your opinion on this action, which seeks to strengthen communities and partnerships to improve our environment and reduce crime, and to develop a sense of pride and safety for where you live and work.

2.0 Background – Anti-social behaviour

Mid Devon District Council has received repeated reports of anti-social behaviour involving dog fouling, aggressive and dangerous dogs, dogs off leads in play areas, cemeteries and open spaces. These locations are frequently used as recreational routes by ramblers, dog walkers, horse riders, joggers and cyclists. These forms of anti-social behaviour have been witnessed first-hand by recreational users, which has caused upset and distress with a number of witnesses feeling intimidated.

3.0 Proposals

Mid Devon District Council is proposing a Public Spaces Protection Order to:

- prohibit dog fouling in all "open air" areas;
- limit the number of dogs walked at a time by one person;
- require dogs to be on leads in named cemeteries, parks and also when requested by an authorised Officer or Police Constable, and;

- exclude dogs from the play areas listed.

A breach of the Order may result in either a fixed penalty notice of £100 or prosecution.

The proposed PSPO is expected to directly contribute to reducing anti-social and dangerous/aggressive dog incidents within the district of Mid Devon and reduce dog-fouling complaints.

Part A – Dog fouling

The draft order prohibits dog fouling in certain areas within the district of Mid Devon. The areas where dog fouling is prohibited are known in the order as 'Public Spaces', which is a defined term. The term 'Public Spaces' means all land within the district of Mid Devon which is open to the air - including covered land which is open on at least one side and to which the public are entitled and permitted to have access, with or without payment. Forestry Commission land is excluded. The district of Mid Devon is shown in Schedule A in the draft order.

The two controls in Public Spaces proposed are:

- you must pick up your dog's faeces, and;
- you must always have something to pick up the faeces with, e.g. bags, and produce evidence of this if asked by an Enforcement Officer or the Police.

Bins are provided in certain locations but if there is no bin, you must take it home with you. Assistance dogs are exempted from this requirement.

Q1 Do you agree that those in charge of a dog (owners and walkers), should pick up their dog's faeces in Public Places (as defined)?

Yes

If you answered "No", please give your reasons below:

Q2 Do you agree that ever person in charge of a dog (owners and walkers) should carry enough bags or other means to pick up after the dog?

Yes

But please see comment below

The Devon Countryside Access Forum supports measures to legislate against dog fouling across land in the district. Dog fouling can impact on peoples' enjoyment of public space as well as well as having health implications, especially for children or people maintaining paths and

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greenspace. As the Forum has previously discussed, dog fouling can also cause disease in livestock and subsequent economic consequences for farmers where walkers are crossing agricultural land on rights of way. Many people may be unaware of this.

It is important that any faeces should be removed from land forthwith and in a responsible manner. Many people are unaware of dog fouling legislation and do not know that it applies to all public land. There needs to be a high level of education and promotional campaigns to get this across with clear and consistent messages.

The Forum supports the need for people to carry appropriate bags or other means to remove faeces but questions whether the failure to do so, in itself, should be an offence. The fouling and failure to remove the faeces should be the offence, but people need to be aware that they must carry the wherewithal to remove it and dispose of it responsibly (in a domestic bin or dog waste bin) to avoid incurring a fine.

Effective enforcement is essential if this policy is to be successful. The Forum supports proposals currently being consulted on by North Devon District Council to delegate authority to impose fines to approved third parties and this may be an initiative that could be taken up in Mid Devon.

If you have answered “No”, please give your reasons below:

Part B – Dogs on leads

This is a control measure is to further assist with tackling dog fouling concerns. Between April 2019 and March 2020, 128 reports have been logged in relation to aggressive behaviour from dogs both, on and off leads within public areas. These reports ranged from growling dogs/aggressive behaviour to dog on dog/person attacks.

The PSPO proposed requires dogs to be on leads in any of the following scenarios:

- In the public cemeteries which are listed in Schedule B to the order and shown on the relevant plans to the order
- In the public parks which are listed in Schedule C to the order and shown on the relevant plans to the order
- If requested by an authorised Officer or a Police Constable

Q3 Do you agree that dogs should be kept on leads?

(Check any of the options you feel should apply):

(a) In the named public cemeteries?

Yes

(b) In the named public parks?

Yes

But see comment below

(c) If requested by an Enforcement Officer or the Police?

Yes

If you have not checked any of the above options, please give your reasons below:

When seeking to put a dogs on leads restriction in public spaces, the Devon Countryside Access Forum advises that there is a need to consider a fair balance between rights of owners and non-dog owners, particularly in urban areas where the restrictions can be extensive. This could have the effect of forcing dog owners into cars to go to rural areas with public rights of way and other public space not affected by restrictions. Alternatively, owners may ignore the legislation if they believe it to be unreasonable. Dog owning is important to health and wellbeing and the major reason why people go out. More consideration needs to be given to providing areas where dogs can legitimately be let off lead.

Part C – Excluding dogs from children’s play areas

The Council already has byelaws excluding dogs from certain play areas and is now proposing to bring that restriction into the PSPO. The play areas are listed in Schedule D to the Order and shown on the relevant plans.

Q4 Do you agree that dogs should be excluded from the named children’s play areas?

Yes

But see additional comment on exclusions at the end of the questionnaire.

If you have answered “No”, please give your reasons below:

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Part D – Limit on the number of dogs

The Council is concerned about dog owners and walkers having sufficient control of their dogs whilst they are being walked or exercised in Public Spaces (as defined). The proposal is to set a maximum limit of 4 dogs per owner/walker at any one time. There is an exception of reasonable excuse and also where the owner of the land has given permission.

Q5 Do you agree that a limit should be set on the number of dogs under the control of the owner/walker when in Public Spaces?

Yes

If you have answered “No”, please give your reasons below:

Q6 Do you agree that the limit should be set at 4 dogs?

Yes

The Forum is encouraged that Mid Devon, South Hams and West Devon are currently considering adopting the same figure, 4, for the number of dogs that can be walked under the control of one person. The Forum would like North Devon to adopt the same figure for reasons of consistency. The Forum is aware that a figure of 6 dogs is in place in East Devon and cross district liaison would be helpful to look at evidence for the appropriate number which could be adopted by all district councils across the County in future. The Forum questions whether professional dog walkers have been considered and whether these are currently licensed by the authority as this is a growing business sector.

If you have answered “No”, please give your reasons below:

Part E – Additional questions

Q7 Do you have any alternative or additional proposals on dog controls?

Please enter your comments below:

Consistency across Devon

In 2015, the Devon Countryside Access Forum wrote to all the district councils expressing a need for dog control orders across the County to adopt a consistent approach so that dog owners had confidence and full knowledge of the legal position and what was expected.

Exemptions

At this particular time, four of Devon's districts are all consulting on PSPOs during the same period; North Devon, Mid Devon, South Hams and West Devon. There are slight differences in the exemptions which make it difficult for dog owners to anticipate, particularly if they walk unwittingly from one district to another. Whilst recognising the discretion for individual councils to meet their own needs, the Forum would encourage the districts to adopt the same minimum exemption level. Basic and fair exemptions would appear to be blind or disabled people with a prescribed charity dog and alone.

Equally, there should be consistency in exemptions for working dogs and the Forum would encourage all districts to include exemptions for agriculture; pest control; trail hunting; and working dogs when working or in training for emergency rescue, law enforcement and military duties.

Dog exclusions

Sports fields are a difficult issue and there appears to be no consistency across districts. Overall, the Devon Countryside Access Forum would support an exclusion from these areas, but authorities should seek to ensure there is readily accessible alternative green space in the local area nearby where people can walk their dogs.

Dogs around livestock

Publicity and information about dogs on leads should emphasise to people that dogs should be kept on a short lead in the vicinity of livestock to protect stock from potential injury and disease.

GENERAL COMMENTS

Dog ownership is very significant and figures from the Monitor of Engagement with the Natural Environment (MENE) survey show walking with a dog accounted for 40% of activities undertaken on visits to the natural environment in 2018/19, the highest specified figure. Exercising dogs in playing fields and recreation areas, woodlands and forests were particularly important in terms of reasons to visit places. Dogs provide a purpose for many people to get out and exercise and are therefore

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important for health and wellbeing.

Figure 6 **Visit motivations by place visited** (% of visits 2018/19)

	Park in town or city	Playing field or recreation area	Woodland or forest	Country Park	River, lake or canal	Beach
Motivations						
Health/exercise	57%	79%	70%	57%	68%	61%
Relax & unwind	42%	49%	40%	40%	46%	47%
To exercise a dog	35%	50%	53%	39%	42%	32%
Enjoy scenery	25%	43%	34%	39%	46%	49%
Time with family	22%	30%	28%	27%	27%	36%

Q12 Which of the following, if any, best describe your reasons for this visit?

MENE headline report 2018 to 2019

Many dog walkers are unaware even of the existence of dog control orders, and even less the specific details of restrictions. Publicity, information and education are key to making these effective.

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...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this list includes district councils.

The DCAF currently has sixteen 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.

Q8 Are there additional areas that need to be added or removed to/from the draft order?

Please give an address or clear description of the location:

Alternatively, email a location plan in PDF, DOC, DOCX, PNG, JPG, JPEG or GIF format (up to 16MB file size limit), along with a completed copy of this questionnaire to streetscene@middevon.gov.uk.

Q10 Are there any adverse impacts to the proposals which you wish highlight?

Please enter your comments below:

Q11 Do you agree that the Fixed Penalty amount for any breaches of the PSPO should be £100 (the maximum permissible under the legislation)?

Yes

If you answered “No”, please give your reasons below and suggest an alternative amount you think is appropriate:

Q11 Do you own or walk dogs? Not applicable as organisation response.

Select Option

Q12 Do you walk dogs in Mid Devon? Not applicable as organisation response.

Select Option

4.0 Consultation process

This public consultation invites views on a proposed Public Spaces Protection Order (PSPO) from people with an interest in the affected area. This will include provision for people who reside in the area, people who visit and pass through the area, people who work in the area and people who access services in the area. While views are welcome from anyone with an interest in the affected area, priority will be given to the views of those most directly affected by the behaviours of the represented groups, as well as the conditions proposed in the PSPO. The consultation will be conducted in line with existing Home Office guidance. A draft order and maps of the potential affected area has been included as part of the consultation.

Consultation on the proposal will be carried out from **Tuesday, 12 May 2020 to Friday, 17 July 2020**. The consultation will primarily take the form of local people being notified through notices within the affected area and its borders, as well as through social media, letters, the Council’s website, advert in the local press and email.

The council will also consult in writing with all of its statutory partners including the Police, as well as a wide range of non-statutory partner agencies, organisations and associations.

The consultees who will be contacted in relation to this proposal are:

- All Town and Parish Councils in Mid Devon
- Chief Constable of Devon Cornwall Police
- Police & Crime Commissioner
- All neighbouring Local Authorities

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PSPO Consultation 2020

- Operational Managers of all departments within the Council
- Community Centres
- The Assembly Members and Members of Parliament
- All Councillors
- Ramblers & Walking Groups
- Animal Welfare Groups
- The Kennel Club
- Boarding Kennels within Mid Devon
- Sports Clubs
- Members of the public

As with all consultations, written representations may be made by those who may have difficulty accessing services online and provision will be made under the [Equality Act 2010](#) for any person who may need additional support in making their views heard.

Please email your responses to streetscene@middevon.gov.uk or write to us at:

Street Scene Services

Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP

The proposed PSPO is centred on improving and protecting the local area for the people residing, working, trading, and visiting the area. We value your opinion on this action, which seeks to strengthen communities and partnerships to improve our environment and reduce crime, and to develop a sense of pride and safety for where you live and work.

5.0 After the consultation

All responses received through the consultation will be used to inform the decision on whether to implement a Public Spaces Protection Order and the precise restrictions in it. An officer recommendation will then be provided to the [Cabinet](#) in the form of a comprehensive report, detailing the outcome of the consultation. The proposed PSPO will initially be in force for a period of up to three years.

6.0 Supporting documents

[Appendix A – Draft Order](#)

[Appendix B – Schedule A Plan of District – Mapped area](#)

[Appendix C – Schedule B Public Cemeteries – Mapped areas](#)

[Appendix D – Schedule C Parks & Open Spaces – Mapped areas](#)

[Appendix E – Schedule D Enclosed Children’s Play Areas – Mapped areas](#)

North Devon Council
Public Spaces Protection Orders
Response from the Devon Countryside Access Forum

Part A - Proposals for Controlling Dog Fouling.

The presence of dog fouling in public areas is a risk to health.

A high level of street cleanliness is particularly important locally due to our desire to promote tourism and the economy.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of community representations received by us.
- (ii) The current level of regulatory activity.
- (iii) The observations of our Neighbourhood Wardens who patrol the district.

We have in addition identified six significant amenity beaches in the district, namely:

Saunton Sands
Woolacombe Sands
Putsborough Sands
Instow
Croyde Bay
Combe Martin

The owners of the beaches have indicated that they believe there is a need to regulate dog fouling controls to maintain the appropriate level of cleanliness for all users.

We wish to consult on the following proposals:

1. To issue Fixed Penalty Notices (FPNs') to people who do not pick up their dog waste of £100 in all public areas and on the beaches of Saunton Sands, Woolacombe Sands, Putsborough Sands, Instow, Croyde Bay and Combe Martin.
2. To increase the efficiency and effectiveness of enforcing this provision by giving delegated authority to approved third parties to issue FPNs' in relation to the above.

Q1: Do you support us in addressing this area of community need through a PSPO?
Yes

Q2: Do you support the introduction of these controls on all public spaces across the district? **Yes**

Q3: Do you support the introduction of these controls on all the beaches identified? **Yes**

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Q4: Do you support us in giving delegated authority to approved third parties (such as Police Officers, Parish/Town Councils, beach owners, and other landowners) to improve the efficiency and effectiveness of enforcing these controls? **Yes**

Q5: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals in relation to dog fouling, please provide them below:

Faeces should be removed from land forthwith and responsibly. Many people are unaware of fouling legislation. Significant educational and promotional campaigns are required with clear and consistent messages, accompanied by effective enforcement.

It needs to be clear that dog fouling controls would apply to all beaches and not just the named private beaches.

Four of Devon's districts are consulting on PSPOs now. There are differences in the exemptions. Whilst recognising the discretion for individual councils to meet their own needs, the Forum would encourage the districts to adopt the same minimum exemption level; blind or disabled people with a prescribed charity dog and alone.

There should also be consistency in exemptions for working dogs and the Forum would encourage all districts to include agriculture; pest control; hunting; and when working or in training for emergency rescue, law enforcement and military duties.

Q1: Do you support us in addressing these issues through a PSPO? **Yes**

Q2: Do you support the proposed controls in enclosed children's play areas? **No**

Q3: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals in children's play areas, please provide them below:

To achieve consistency across districts, the Devon Countryside Access Forum advises that dogs should be excluded from such fenced or enclosed play areas.

Q4: Do you support the proposed controls in public cemeteries? **Yes**

Q5: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals in public cemeteries, please provide them below:

Q6: Do you support the proposed controls on Saunton Sands? **Yes**

Q7: Do you support the proposed controls on Woolacombe Sands? **Yes**

Q8: Do you support the proposed controls on Putsborough Sands? **Yes**

Q9: Do you support the proposed controls on Instow beach? **Yes**

Q10: Do you support the proposed controls on Croyde Bay? **Yes**

Q11: Do you support the proposed controls on Combe Martin beach? **Yes**

Q12: Do you support the proposal of designated areas of the beaches being promoted as being "dog friendly" - i.e. places where people can exercise their dogs without restrictions? **Yes**

Q13: Do you support the proposed controls to require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer? **Yes**

Q14: If you have any other suggestions for alternative controls which would achieve the same aims as these proposals on the beaches, please give them below:

The provision of designated areas as 'dog friendly' would achieve a balance of fairness between the interests of dog owners and non-dog owners.

To issue FPNs' of £100 to people who allow their dogs to be present on these beaches - other than being in or travelling to the "dog friendly" areas as signed. It would be appropriate for dogs to be on lead if 'travelling' to a dog friendly area.

Publicity and information about dogs on leads should emphasise to people that dogs should be kept on a short lead in the vicinity of livestock to protect stock from potential injury and disease.

Any dog ban would not be applicable to dogs on public rights of way or the South West Coast Path adjacent to beaches with a dog ban.

Part C - Formal Sports Pitches.

The presence of dog fouling on public and privately owned formal sports pitches, (e.g. football / rugby / cricket pitches, netball / tennis courts, bowling greens, athletics tracks), is a risk to health.

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High levels of cleanliness in these locations are particularly important to us due to our desire to promote tourism, the economy, and support residents and visitors to have a healthy and active lifestyle.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of regulatory activity.
- (ii) The observations of our Neighbourhood Wardens who patrol the district.
- (iii) Private sports pitch owners wanting dog controls enforced to enable these areas to be safely used for the purpose which they are designed.

We wish to consult on the following proposals:

1. To issue FPNs' of £100 to people who do not pick up their dogs waste from all publicly owned formal sports pitches.
2. To issue FPNs' of £100 to people who do not pick up their dogs waste from all privately owned formal sports pitches, where the owner has requested such controls.
3. To prohibit the presence of dogs on all publicly owned formal sports pitches.
4. To prohibit the presence of dogs on all privately owned sports pitches, where the
5. owner has requested such controls.
6. To issue FPNs' of £100 to people who allow their dogs to be present on all publicly owned sports pitches.
7. To issue FPNs' of £100 to people who allow their dogs to be present on all privately owned formal sports pitches, where the owner has requested such controls.
8. To increase the efficiency and effectiveness of enforcing this provision by delegated authority to approved third parties to issue FPNs'.

The above controls will not apply to people who are blind or partially sighted and have an assistance dog registered with a member organisation of Assistance Dogs UK.

The site owner will be responsible for the provision of associated signage and promotion of these restrictions.

Q1: Do you support us in addressing this area of community need through a PSPO?
Yes

Q2: Do you support the proposed controls on all public and privately owned sports pitches across the district?

Q3: Do you support us in giving delegated authority to approved third parties, (such as Police Officers, Parish/Town Councils, sports pitch owners, and other landowners), to improve the efficiency and effectiveness of enforcing these controls? **Yes**

Q4: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals for public and privately owned sports pitches, please give them below:

Sports fields is an area which is difficult and there appears to be no consistency across districts.

Overall, the Devon Countryside Access Forum would support an exclusion, but the authority should seek to ensure there is readily accessible alternative green space in the local area nearby where people can walk their dogs.

Part D - Tarka Trail.

We believe that the presence of dogs 'off lead' on the Tarka Trail can be dangerous and a cause of nuisance to other users of this multi-use trail.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of regulatory activity.
- (ii) The observations of our Neighbourhood Wardens who patrol the district.

We wish to consult on the following proposals to ensure that the presence of dogs does not interfere with the enjoyment of other users of the Tarka trail:

1. To prohibit the presence of dogs 'off lead' on the Tarka Trail.
2. To issue FPNs' of £100 to people who walk or exercise their dogs 'off lead' on the Tarka Trail.
3. To require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer.
4. To issue FPNs' of £100 to people who do not place their dogs on a lead of 2.0 metre length or less when directed by a suitable delegated person/Officer.
5. To increase the efficiency and effectiveness of enforcing this provision by giving delegated authority to approved third parties to issue FPNs'.

The above controls will not apply to people who are blind or partially sighted and have an assistance dog registered with a member organisation of Assistance Dogs UK.

Q1: Do you support us in addressing these issues through a PSPO?

Q2: Do you support the proposed controls to prohibit the presence of dogs 'off lead' on the Tarka Trail?

Q3: Do you support the proposed controls to require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer? **Yes**

Q4: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals on the Tarka Trail, please provide them below:

The Devon Countryside Access Forum recognises the problems that can arise with dogs off lead when trails are well-used and sees the necessity for imposing a dog lead order on the Tarka Trail. It is, however, useful to consider that the Tarka Trail extends into Torridge and West Devon districts where no such

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restrictions are in place. Problems of promoting and enforcing that message could be difficult with the lack of consistency across the whole trail.

Part E - Braunton Burrows Special Area of Conservation (SAC).

We are aware of concerns from Natural England, and the owners of land in and around Braunton Burrows regarding uncontrolled dogs disturbing grazing livestock. The suggestion is that this could adversely impact on their business.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of regulatory activity.
- (ii) The observations of our Neighbourhood Wardens who patrol the district.
- (iii) The need to support economic growth associated with the grazing of livestock in this area.

We wish to consult on the following proposals:

1. To prohibit the presence of dogs 'off lead' in specific locations on Braunton Burrows at appropriate times of the year.
2. To issue FPNs' of £100 to people who walk or exercise their dogs 'off lead' in these areas at these times.
3. To require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer.
4. To issue FPNs' of £100 to people who do not place their dogs on a lead of 2.0 metre length or less when directed by a suitable delegated person/Officer.
5. To increase the efficiency and effectiveness of enforcing this provision by giving delegated authority to approved third parties to issue FPNs'.

Q1: Do you support us in addressing these issues through a PSPO? **Yes**

Q2: Do you support the proposed controls to require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer?
Yes

Q3: Do you support the proposed controls to prohibit dogs 'off lead' in specific locations at appropriate times of the year? **Yes**

Q4: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals for the Braunton Burrows SAC, please provide them below:

Part F - High Tide Roosting Sites.

We are aware that a significant proportion of the community take enjoyment from watching the diverse range of birds which rest ('roost') on certain sites of the

Taw/Torridge Estuary during the high tide cycle. These sites are in both public and private ownership.

The presence of dogs 'off lead' in such areas displaces resting birds and has the potential therefore, to directly limit the ability of this group of the community to enjoy this activity.

We are aware that non-Government Organisations and local lobbyists have concerns about the impact of dogs 'off leads' on these sites, which are of high value as resting areas when feeding sites around the estuary are covered during periods of high tide.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of regulatory activity.
- (ii) The observations of our Neighbourhood Wardens who patrol the district.
- (iii) The concerns of non-Government Organisations and Local Lobbyists stated above.

We wish to consult on the following proposals to ensure that the presence of dogs does not interfere with the enjoyment of other users of the sites:

1. To prohibit the presence of dogs in the locations identified in Figure 1, (Figure 1 can be viewed in the documents tab), at appropriate times of the year.
2. To issue FPNs' of £100 to people who walk or exercise their dogs 'off lead' in these areas during these times.
3. To require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer.
4. To issue FPNs' of £100 to people who do not place their dogs on a lead of 2.0 metre length or less when directed by a delegated person/Officer.
5. To increase the efficiency and effectiveness of enforcing this provision by giving delegated authority to approved third parties to issue FPNs'.

The site owner will be responsible for identifying and promoting relevant dates and this will include the provision of the associated signage.

The above controls will not apply to people who are blind or partially sighted and have an assistance dog registered with a member organisation of Assistance Dogs UK.

Q1: Do you support us in addressing these issues through a PSPO?

Q2: Do you support the proposed controls to prohibit the presence of dogs in the locations identified in Figure 1, which can be found under the documents tab, at appropriate times of the year?

Q3: Do you support the proposed controls to require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer?

Q4: If you have any other comments, or suggestions which would achieve the same aim as these proposals at High Tide Roosting Sites, please provide them below:

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For reasons of wildlife protection, the Devon Countryside Access Forum strongly supports proposals for dog exclusions at certain times of the year. However, the Forum is aware that Natural England in its consultation on the England Coast Path is proposing that a more extended area than the High Tide Roosting Sites map should have long-term year-round public access exclusions, and, at Home Farm Marsh, a long-term dog exclusion. (The direction does not prevent or affect existing local use of land as of right; formal agreement with the landowner or by informal permission or traditional toleration; or use of registered rights of common or common law rights or by Royal Charter etc.) It is important that North Devon Council consults with Natural England and site managers, such as the Devon Wildlife Trust, to ensure there is no confusion and members of the public have absolute clarity about where they can walk and if they can take a dog.



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Tel: 07837 171000
01392 382771

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www.devon.gov.uk/dcaf

Environmental Protection Team
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

28 July 2020

Dear Sir/Madam

Public Spaces Protection Orders – dogs

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...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this list includes district councils.

The DCAF currently has sixteen 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.

General comment

Dog ownership is very significant and figures from the Monitor of Engagement with the Natural Environment (MENE) survey show walking with a dog accounted for 40% of activities undertaken on visits to the natural environment in 2018/19, the highest figure. Exercising dogs in playing fields and recreation areas, woodlands and forests were particularly important in terms of places visited. Dogs provide a purpose for many people to get out and exercise and are therefore important for health and wellbeing.

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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Figure 6 **Visit motivations by place visited** (% of visits 2018/19)

Motivations	Park in town or city	Playing field or recreation area	Woodland or forest	Country Park	River, lake or canal	Beach
Health/exercise	57%	79%	70%	57%	68%	61%
Relax & unwind	42%	49%	40%	40%	46%	47%
To exercise a dog	35%	50%	53%	39%	42%	32%
Enjoy scenery	25%	43%	34%	39%	46%	49%
Time with family	22%	30%	28%	27%	27%	36%

Q12 Which of the following, if any, best describe your reasons for this visit?

MENE headline report 2018 to 2019

Many dog walkers are unaware even of the existence of dog control orders, and even less the specific details of restrictions. Publicity, information and education are key to making these effective.

Dog Fouling

The Devon Countryside Access Forum supports measures to legislate against dog fouling across land in the district. Dog fouling can impact on peoples' enjoyment of public space as well as having health implications, especially for children or people maintaining paths and greenspace. As the Forum has previously discussed, dog fouling can also cause disease in livestock and subsequent economic consequences for farmers where walkers are crossing agricultural land on rights of way. Many people may be unaware of this.

It is important that any faeces should be removed from land forthwith and in a responsible manner. Many people are unaware of dog fouling legislation and are not aware that it applies to all public land. There needs to be a high level of education and promotional campaigns to get this across with clear and consistent messages.

The Forum supports the need for people to carry appropriate bags or other means to remove faeces but questions whether this in itself should be an offence. The fouling should be the offence, but people need to be aware that they must carry the wherewithal to remove it and dispose of it responsibly (in a domestic bin or dog waste bin) to avoid incurring a fine.

Effective enforcement is essential if this policy is to be successful. The Forum supports proposals currently being put forward by North Devon District Council to delegate authority to impose fines to approved third parties and this may be an initiative that could be taken up.

Exemptions

In 2015, the Devon Countryside Access Forum wrote to all the district councils expressing a need for dog control orders across the County to adopt a consistent approach so that dog owners had confidence and full knowledge of the legal position and what was expected.

At this particular time, four of Devon's districts are consulting on PSPOs during the same period; North Devon, Mid Devon, South Hams and West Devon. There are slight

differences in the exemptions which make it difficult for dog owners to anticipate, particularly if they walk unwittingly from one district to another. Whilst recognising the discretion for individual councils to meet their own needs, the Forum would encourage the districts to adopt the same minimum exemption level. Basic and fair exemptions would appear to be blind or disabled people with a prescribed charity dog and alone.

Equally, there should be consistency in exemptions for working dogs and the Forum would encourage all districts to include exemptions for agriculture; pest control; hunting; and working dogs when working or in training for emergency rescue, law enforcement and military duties.

Number of dogs

The Forum is encouraged that Mid Devon, South Hams and West Devon are currently consulting on the same figure, 4, for the number of dogs that can be walked under the control of one person. The Forum is aware that a figure of 6 dogs is in place in East Devon and Teignbridge and cross district liaison would be helpful to look at evidence for the appropriate number which could be adopted by all district councils across the County in future. The Forum questions whether professional dog walkers have been considered and whether these are currently licensed by the authority as this is a growing business sector.

Dogs on leads

When seeking to put a dogs on leads restriction in public spaces, the Forum advises that there is a need to consider a fair balance between rights of owners and non-dog owners, particularly in urban areas where the restrictions can be extensive. This could have the effect of forcing dog owners into cars to go to rural areas with public rights of way and other public space not affected by restrictions. Alternatively, owners may ignore the legislation if they believe it to be unreasonable. Dog owning is important to health and wellbeing and the major reason why people go out. More consideration needs to be given to providing areas where dogs can legitimately be let off lead.

Publicity and information about dogs on leads should emphasise to people that dogs should be kept on a short lead in the vicinity of livestock to protect stock from potential injury and disease.

Dog exclusions

Sports fields is an area which is difficult and there appears to be no consistency across districts. Overall, the Forum would support an exclusion, but authorities should seek to ensure there is readily accessible alternative green space in the local area nearby where people can walk their dogs

Beaches

The Forum is aware that many dog walkers use public rights of way and the South West Coast Path in the South Hams. It should be made clear that these paths are exempt from any summer dog ban.

This is a difficult area and the Forum recognises the balance of fairness that needs to be struck and the challenges in achieving this. On one hand, tourists with dogs are a

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significant part of the local economy and welcome the opportunity to walk dogs on beaches during the summer. On the other hand, it does create a lot of mixed messages with some beaches, such as Blackpool Sands, having a total seasonal exclusion and other beaches, as proposed, where there are timed seasonal exclusions. It is very difficult and complex for landowners and managers to get the appropriate messages across and for timings to be enforced by the authority. The Forum advises that discussions should take place with land managers to ensure that the proposals offer the right response.

A balance of opportunity also needs to be offered with beaches (or parts of beaches) in close proximity to each other offering a total seasonal exclusion and those with a timed exclusion. This gives families and other people the chance to experience the beach without dogs present. The dates and length of the timed exclusion are important matters for local consultation.

The Forum would welcome feedback on its comments.

Yours faithfully

A black rectangular redaction box covering the signature of Hilary Winter.

Hilary Winter
Forum Officer

Letter sent on behalf of the Devon Countryside Access Forum

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



Devon Countryside Access Forum

Lucombe House
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Environmental Protection Team
West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
PL19 0BZ

28 July 2020

Dear Sir/Madam

Public Spaces Protection Orders – dogs

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...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this list includes borough councils.

The DCAF currently has sixteen 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.

General comment

Dog ownership is very significant and figures from the Monitor of Engagement with the Natural Environment (MENE) survey show walking with a dog accounted for 40% of activities undertaken on visits to the natural environment in 2018/19, the highest figure. Exercising dogs in playing fields and recreation areas, woodlands and forests were particularly important in terms of places visited. Dogs provide a purpose for many people to get out and exercise and are therefore important for health and wellbeing.

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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Figure 6 **Visit motivations by place visited** (% of visits 2018/19)

Motivations	Park in town or city	Playing field or recreation area	Woodland or forest	Country Park	River, lake or canal	Beach
Health/exercise	57%	79%	70%	57%	68%	61%
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Enjoy scenery	25%	43%	34%	39%	46%	49%
Time with family	22%	30%	28%	27%	27%	36%

Q12 Which of the following, if any, best describe your reasons for this visit?

[MENE headline report 2018 to 2019](#)

Many dog walkers are unaware even of the existence of dog control orders, and even less the specific details of restrictions. Publicity, information and education are key to making these effective.

Dog Fouling

The Devon Countryside Access Forum supports measures to legislate against dog fouling across land in the district. Dog fouling can impact on peoples' enjoyment of public space as well as having health implications, especially for children or people maintaining paths and greenspace. As the Forum has previously discussed, dog fouling can also cause disease in livestock and subsequent economic consequences for farmers where walkers are crossing agricultural land on rights of way. Many people may be unaware of this.

It is important that any faeces should be removed from land forthwith and in a responsible manner. Many people are unaware of dog fouling legislation and are not aware that it applies to all public land. There needs to be a high level of education and promotional campaigns to get this across with clear and consistent messages.

The Forum supports the need for people to carry appropriate bags or other means to remove faeces but questions whether this in itself should be an offence. The fouling should be the offence, but people need to be aware that they must carry the wherewithal to remove it and dispose of it responsibly (in a domestic bin or dog waste bin) to avoid incurring a fine.

Effective enforcement is essential if this policy is to be successful. The Forum supports proposals currently being put forward by North Devon District Council to delegate authority to impose fines to approved third parties and this may be an initiative that could be taken up.

Exemptions

In 2015, the Devon Countryside Access Forum wrote to all the district councils expressing a need for dog control orders across the County to adopt a consistent approach so that dog owners had confidence and full knowledge of the legal position and what was expected.

At this particular time, four of Devon's districts are consulting on PSPOs during the same period; North Devon, Mid Devon, South Hams and West Devon. There are slight differences in the exemptions which make it difficult for dog owners to anticipate, particularly if they walk unwittingly from one district to another. Whilst recognising the discretion for

individual councils to meet their own needs, the Forum would encourage the districts to adopt the same minimum exemption level. Basic and fair exemptions would appear to be blind or disabled people with a prescribed charity dog and alone.

Equally, there should be consistency in exemptions for working dogs and the Forum would encourage all districts to include exemptions for agriculture; pest control; hunting; and working dogs when working or in training for emergency rescue, law enforcement and military duties.

Number of dogs

The Forum is encouraged that Mid Devon, South Hams and West Devon are currently consulting on the same figure, 4, for the number of dogs that can be walked under the control of one person. The Forum is aware that a figure of 6 dogs is in place in East Devon and Teignbridge and cross district liaison would be helpful to look at evidence for the appropriate number which could be adopted by all district councils across the County in future. The Forum questions whether professional dog walkers have been considered and whether these are currently licensed by the authority as this is a growing business sector.

Dogs on leads

When seeking to put a dogs on leads restriction in public spaces, the Forum advises that there is a need to consider a fair balance between rights of owners and non-dog owners, particularly in urban areas where the restrictions can be extensive. This could have the effect of forcing dog owners into cars to go to rural areas with public rights of way and other public space not affected by restrictions. Alternatively, owners may ignore the legislation if they believe it to be unreasonable. Dog owning is important to health and wellbeing and the major reason why people go out. More consideration needs to be given to providing areas where dogs can legitimately be let off lead.

Publicity and information about dogs on leads should emphasise to people that dogs should be kept on a short lead in the vicinity of livestock to protect stock from potential injury and disease.

Dog exclusions

Sports fields is an area which is difficult and there appears to be no consistency across districts. Overall, the Forum would support an exclusion, but authorities should seek to ensure there is readily accessible alternative green space in the local area nearby where people can walk their dogs

The Forum would welcome feedback on its comments.

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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Ms E Harper
Planning, Transportation and Environment
Devon County Council
County Hall
Topsham Road
Exeter
EX2 4QD

1 September 2020

Dear Ms Harper

DCC/4187/2020 – Marsh Barton Station planning application

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...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this includes Devon County Council.

The DCAF currently has sixteen 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 supports proposals to develop a station at Marsh Barton and recognises the very valuable contribution this will make to sustainable transport links in and around Exeter. The new 3m wide cycling and walking bridge will enable users to avoid the narrow bridge on Clapperbrook Lane.

The Forum appreciated the opportunity to provide earlier advice and welcomes the incorporation of some of its pre-application recommendations and the feedback response included in the Community Consultation Statement.

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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The Forum's main concerns relate to road safety and it is not confident this has been fully addressed in the application. It would welcome further information and feedback on these points. The key areas are:

1) **Clapperbrook Lane**

Clapperbrook Lane is well-used, despite its narrowness and poor lines of sight, and has become increasingly so during COVID-19. Cyclists, pedestrians and dog walkers use the lane to access the riverside trails and the Double Locks pub. Cycling movements are currently around 400 per day. Although parking at Bromhams has now been restricted to three hours maximum, it is not known whether overall car movements have diminished. Some cyclists may continue to use Clapperbrook Lane rather than the new bridge to avoid pedestrians. Car numbers may well increase as no provision for parking or drop-off has been made on the Marsh Barton side.

2) **Intersection between Clapperbrook Lane, the new bridge and the station**

The graphic depiction in Visualisation 1 shows that cars will have to make a sharp turn across the end of the new cycle/walkway to reach the drop off point or disabled parking at the station, and vice versa. This intersection is clearly a point where there are significant safety implications for vulnerable users and warning signs need to be clear to minimise risk. Bollards could present an additional collision risk for cyclists. It should be apparent who has priority through the use of stop signs and road markings or rumble strips on the road and the end of the cycle/walkway.

The Forum advises that prioritisation is given to marked walking and cycling trails to the station and drop-kerbs in Marsh Barton as part of s106 monies as future developments take place. Improvements to the safety of access users using the route to the Double Locks would also be beneficial as outlined in the Forum's earlier correspondence.

Yours sincerely



Hilary Winter
Forum Officer

Response sent on behalf of the Devon Countryside Access Forum

*Chair: Sarah Slade
Vice Chair: Chris Cole*



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Devon Countryside Access Forum

Marsh Barton Station

Pre-application comments

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...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this includes the County Council.

The DCAF currently has fourteen 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 is grateful for the opportunity to make observations on proposals for a new station at Marsh Barton. Following the site visit and subsequent discussions at the Forum meeting on 23rd January, the comments below have been agreed.

GENERAL

1. The Devon Countryside Access Forum welcomes and strongly supports the proposal for a new station at Marsh Barton and the potential this has for improving sustainable transport links in and around Exeter.
2. The new bridge over the railway line will improve safety and access for walkers, cyclists and disabled users
3. The proposal will link to an extensive network of cycling and walking routes.

SPECIFIC COMMENTS

- a) The legal status of the new walking and cycling bridge needs to be clarified and pre-application consideration given to future maintenance. The bridge will be a valuable improvement and must be an integral part of the station proposals.
- b) Bromhams Playing Field car park could become a parking destination leading to congestion on what is essentially a single-track road. The car park is already heavily

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used by working people, dog walkers and people accessing the Exe Estuary Trail and valley parks. The vision is intended to reduce car parking in the Marsh Barton area, but this is an unknown factor particularly as additional jobs and sizeable housing schemes are part of proposals for the area. Bromhams car park and access to it should be considered as part of the overall planning application and discussions.

- c) Visibility over the hump-back bridge is poor and there are limited passing places on Clapperbrook Lane. The Devon Countryside Access Forum does have concerns about increased usage of this road and the impact on vulnerable road users. Construction of the new bridge may provide the facility to create a passing place on the canal side of the existing bridge.
- d) The Devon Countryside Access Forum recommends that the off-road route should be extended closer to the eastern boundary of Grace Road playing fields and Salmon Pool bridge.
- e) Where the new bridge and off-road route meets the main highway, safety measures will need to be put in place to reduce the risk of accidents and in particular the risk of collisions between cyclists and other users. Chicanes may not be appropriate due to risk of collision and poor access for disability users. Forum members are aware that chicanes have been removed between Digby Station and the Exeter Chiefs ground. Signage or rumble strips may be preferable.
- f) The intention is to provide no parking, other than disabled parking. The Devon Countryside Access Forum strongly recommends that some parking is considered on the Marsh Barton side to reduce traffic using Clapperbrook Lane.
- g) Drop-kerbs and improved pavements should be provided in the vicinity of the station in Marsh Barton to aid people with limited mobility or visual impairment.
- h) The Devon Countryside Access Forum advises that provision of disabled parking on the Marsh Barton side of the station needs further investigation. It is unclear how traffic movements to the Exeter Energy Recovery Facility will be managed alongside disabled parking if disabled users must cross the entrance to the energy recovery facility to park, and again to reach the station. This is also marked as a drop-off point and similar comments would apply.
- i) The proposed ramp gradient of 1:15 is acceptable so long as there are level resting platforms at appropriate intervals. See guidance and information from the Field Fare Trust <http://disabledramblers.co.uk/wp3/wp-content/uploads/2019/08/Information-Sheets.pdf> and the Sensory Trust <https://www.sensorytrust.org.uk/information/factsheets/outdoor-access-3-ramps.html> The Forum advises that the length of resting platforms and distance between them should be checked.
- j) The ramp surface should be non-slip. The new bridge and ramps should be of sufficient width to accommodate pedestrians, cyclists and disability access users.
- k) The new bridge and ramps should have handrails and a change of surface before ramped sections should be incorporated to warn visually impaired users.

- l) Consideration should be given to installing electric bike storage.
- m) Waiting shelters on the station platforms should be fully accessible for wheelchair and mobility scooter users.

WIDER RECOMMENDATIONS AND FUTURE-PROOFING

- 1) The station will connect to off-road walking and cycling routes through the Riverside Valley Park and nearby green space. To ensure increased use of these routes from the station, Devon County Council is advised to investigate lighting options to encourage year-round use at commuting times. Seeking vandal-proof options and minimising light pollution is critical.
- 2) The station is likely to lead to increased use of the road and path to the Double Locks and to the Exe Estuary Trail. The Devon Countryside Access Forum recommends improving facilities for pedestrians on the road to the Double Locks, and more clearly segregating pedestrians and cyclists to reduce the risk of accidents.
- 3) The Double Locks, Exeter Quay and Exe Estuary Trail are major destinations and use of Bromhams car park area is likely to increase. The crossing of the canal bridge to the car park is difficult and dangerous, particularly in the summer, and improvements in access to the car park would be welcome.
- 4) Provision for disability access in the wider Marsh Barton area is poor. Devon County Council is advised to look at drop kerbs and ensure these are consistent over the industrial estate and located opposite each other. The condition of pavements and positioning of promotional signs on pavements should be examined to improve accessibility. At a minimum, this should be looked at when signing pedestrians to the new railway station from nearby destinations.
- 5) Providing additional car parking on the Marsh Barton side of the station would be beneficial and should be considered in the context of any new housing development.
- 6) The Devon Countryside Access Forum recommends that Devon County Council explore a s106 agreement on any new housing development in the area to assist with future maintenance of the new bridge and to help develop improvements to functional and recreational access in the wider area, as described above.
- 7) Devon County Council is advised to explore with the rail franchisee how provision for cycles can be improved, for example cycle storage on trains and access for cyclists and mobility scooters at Starcross Station and on the Exmouth ferry. This would encourage sustainable transport and recreational access across a wider area.

ENGLAND TREE STRATEGY – Defra (August 2020)

Response from the Devon Countryside Access Forum

36. Which actions by government would be most effective in addressing barriers to peoples' access to trees and woodlands? (rank the following options in order of preference)

ACTION	PRIORITY						
	1	2	3	4	5	6	7
a) Supporting woodland access through existing incentives and rights of way	1	1		1	4	2	2
b) Offering more generous woodland management incentives for those woodlands with public access	2	3	1		3	2	
c) Creating new accessible woodlands in and around towns and cities	3	2	3	2		1	
d) Supporting woodland access with bespoke incentives, simply to allow access	1	3	3	2		1	1
e) Improving the quality of access by investing in infrastructure (car parks, trails, path surfacing, signage, seating)	2	1	3	3		1	1
f) Regulating to maintain access rights when creating new woodland	1			3	2	2	3
g) Supporting people to become trained/accredited to better facilitate contact (learning and health) with nature.	1	1	1	1	1	2	4

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Cycling and Walking Investment Strategy: Safety Review Consultation on a review of The Highway Code

Moving Britain Ahead

Department for Transport

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904038/consultation-on-a-review-of-the-highway-code.pdf

Summary for Devon Countryside Access Forum

Introduction

1. The Cycling and Walking Investment Strategy Safety Review Call for Evidence, published in March 2018, aimed to gather information on how to tackle the safety issues that cyclists and pedestrians face, or perceive, when travelling on our roads, to support the Government's aim of increasing cycling and walking. It generated a huge response, with over 14,000 people taking part. A testament to the fact that we are a nation that has a passion for cycling, walking and horse riding.
2. The subsequent Government response to the call for evidence set out a two-year plan of action to address the key themes and issues raised. One of the top priorities identified by major stakeholders was to review the guidance in The Highway Code to improve safety for cyclists, pedestrians and horse riders, with a specific reference to responsibility and junctions.
3. This consultation document is therefore seeking views on proposed changes to The Highway Code to improve safety for vulnerable road users. This includes pedestrians, particularly children, older adults and disabled people, cyclists and horse riders. It is important that these groups feel safe in their interactions with other road users.
4. The Highway Code contains advice to all road users and is made under the Road Traffic Act 1988. The Highway Code is a collection of rules of two types:
 - **MUST/MUST NOT** rules relate to legislation and if you breach these rules you are committing an offence. These rules include reference to the legislation which creates the offence; and
 - **SHOULD/SHOULD NOT** or **DO/DO NOT** rules are advisory and breach in itself is not an offence but it may be used in court when considering evidence in relation to driving or riding behaviour.

The consultation includes many questions associated with how road users use the road and negotiate crossings, junctions and roundabouts but the ones most relevant to the Devon Countryside Access Forum are below. Changes to the current Highway Code are in italics, either new sections or changes in wording. Some of the

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minor changes include the addition of horse riders and/or horse-drawn carriages to the list of users to look out for.

There is a new hierarchy of users:

Hierarchy of Road Users

The 'Hierarchy of Road Users' is a concept which places those road users most at risk in the event of a collision at the top of the hierarchy. The road users most likely to be injured in the event of a collision are pedestrians, in particular children, older adults and disabled people, followed by cyclists, horse riders and motorcyclists. The hierarchy does not remove the need for everyone to behave responsibly. The following H rules clarify this concept

Rule H1

It is important that ALL road users are aware of The Highway Code, are considerate to other road users and understand their responsibility for the safety of others.

Everyone suffers when road collisions occur, whether they are physically injured or not. But those in charge of vehicles that can cause the greatest harm in the event of a collision bear the greatest responsibility to take care and reduce the danger they pose to others. This principle applies most strongly to drivers of large goods and passenger vehicles, followed by vans/minibuses, cars/taxis and motorcycles.

Cyclists, horse riders and horse drawn vehicles likewise have a responsibility to reduce danger to pedestrians.

Always remember that the people you encounter may have impaired sight, hearing or mobility, and may not be able to see or hear you.

None of this detracts from the responsibility of all road users, including pedestrians, cyclists and horse riders, to have regard for their own and other road users' safety.

Question

Rule H1

Do you agree with the introduction of new Rule H1 (hierarchy of road users)?

Is the proposed wording easy to understand?

New Rule 63 (cyclists)

Sharing space with pedestrians, horse riders and horse drawn vehicles. When riding in places where sharing with pedestrians, horse riders or horse drawn vehicles is permitted take care when passing pedestrians, especially children, older adults or disabled people. Let them know you are there when necessary e.g. by ringing your bell (it is recommended that a bell is fitted to your bike), or by calling out politely.

Remember that pedestrians may be deaf, blind or partially sighted and that this may not be obvious.

Do not pass pedestrians, horse riders or horse drawn vehicles closely or at high speed, particularly from behind. Remember that horses can be startled if passed without warning. Always be prepared to slow down and stop when necessary.

Questions

Rules for cyclists

Do you agree with proposed change to Rule 63 (guidance for cyclists using shared spaces)?

Is the proposed wording easy to understand?

Rule 163 – using the road

Overtake only when it is safe and legal to do so. You should

- not get too close to the vehicle you intend to overtake
- use your mirrors, signal when it is safe to do so, take a quick sideways glance if necessary into the blind spot area and then start to move out
- not assume that you can simply follow a vehicle ahead which is overtaking; there may only be enough room for one vehicle
- move quickly past the vehicle you are overtaking, once you have started to overtake. Allow plenty of room. Move back to the left as soon as you can but do not cut in
- take extra care at night and in poor visibility when it is harder to judge speed and distance
- give way to oncoming vehicles before passing parked vehicles or other obstructions on your side of the road
- only overtake on the left if the vehicle in front is signalling to turn right, and there is room to do so
- stay in your lane if traffic is moving slowly in queues. If the queue on your right is moving more slowly than you are, you may pass on the left. *Cyclists may pass slower moving or stationary traffic on their right or left, including at the approach to junctions, but are advised to exercise caution when doing so*
- give motorcyclists, cyclists, horse riders and *horse drawn vehicles* at least as much room as you would when overtaking a car (see Rules 211 to 215). As a *guide*:
 - *leave a minimum distance of 1.5 metres at speeds under 30 mph*
 - *leave a minimum distance of 2.0 metres at speeds over 30 mph*
 - *for a large vehicle, leave a minimum distance of 2.0 metres in all conditions*
 - *pass horse riders and horsedrawn vehicles at speeds under 15 mph and allow at least 2.0 metres space*
 - *allow at least 2.0 metres space where a pedestrian is walking in the road (e.g. where there is no pavement) and you should pass them at low speed*
 - *you should wait behind the motorcyclist, cyclist, horse rider, horse drawn vehicle or pedestrian and not overtake if it is unsafe or not possible to meet these clearances*

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- *take extra care and give more space when overtaking motorcyclists, cyclists, horse riders, horse drawn vehicles and pedestrians in bad weather (including high winds) and at night.*

Questions

Using the road

Do you agree that cyclists may pass slower moving traffic on their right or left as detailed in Rule 163?

Do you agree with the proposed speed limits detailed at Rule 163 for overtaking: - motorcyclists? - cyclists? - horse riders? - horse drawn vehicles?

Do you agree with the proposed passing distances detailed at Rule 163 for overtaking: - motorcyclists? - cyclists? - horse riders? - horse drawn vehicles?

Is the proposed wording easy to understand?

Rule 204

The road users *most at risk from road traffic* are pedestrians, *followed by* cyclists, horse riders and motorcyclists. It is particularly important to be aware of children, *older* adults and disabled people, and learner and inexperienced drivers and riders. *In any interaction between road users, those who can cause the greatest harm have the greatest responsibility to reduce the danger or threat they pose to others.*

Rule 212

Give motorcyclists, cyclists, horse riders, horse drawn vehicles and pedestrians walking in the road (e.g. where there is no pavement), at least as much room as you would when overtaking a car (see Rules 162 to 167). Drivers should take extra care and give more space when overtaking motorcyclists, cyclists, horse riders, horse drawn vehicles and pedestrians in bad weather (including high winds) and at night. If the rider looks over their shoulder it could mean that they intend to pull out, turn right or change direction. Give them time and space to do so.

Rule 215 Horse riders and horse-drawn vehicles. Be particularly careful of horse riders, horse-drawn vehicles and *feral ponies* especially when *approaching*, overtaking, passing or moving away. Always pass wide and slowly. *When you see a horse on a road, always slow down to a maximum of 15 mph. Be patient, don't sound your horn or rev your engine. When safe to do so, pass wide and slow, allowing at least 2.0 metres space.*

Horse riders are often children, so take extra care and remember riders may ride in double file when escorting a young or inexperienced horse or rider. Look out for horse riders' and horse drivers' signals and heed a request to slow down or stop. Take great care and treat all horses as a potential hazard; they can be unpredictable despite the efforts of their rider/driver. *Remember there are three brains at work when you pass a horse; the rider's, the driver's and the horse's. Don't forget horses are flight animals and can move incredibly quickly if startled.*

Questions

Road users requiring extra care

Do you have any further comments about other changes proposed in the chapter on road users requiring extra care?

Annex 1. You and your bicycle

Make sure that you feel confident of your ability to ride safely on the road. Be sure that

- you *have* the right size and type of cycle for *your* comfort and safety
- *the* lights and reflectors are clean and in good working order
- *the* tyres are in good condition and inflated to the pressure shown on the tyre
- *the wheels spin freely*
- *the* gears are working correctly
- the chain is properly adjusted and oiled
- the saddle and handlebars are adjusted to the correct height. You *should* fit a bell to your cycle. **(Note: rule 66 only recommends a bell).**

You MUST

- ensure your brakes are efficient
- have *white* front and red rear lights *lit when cycling at night*. Laws PCUR regs 6 & 10 & RVLR reg 18

Cycle training: If you are an inexperienced cyclist or have not ridden for a while, consider taking a cycle training course. Some councils offer national standard cycle training such as Bikeability and in certain areas this is free of charge. It can help build up your skills and confidence.

There are three levels to Bikeability, starting with the basics of balancing, stopping and starting safely, through to handling complex and busy junctions. You will also learn about traffic signs and the rules of the road, planning routes, safe road positioning and signalling (particularly at junctions) and basic cycle maintenance. For more information, see www.bikeability.org.uk

Questions

Annexes

Do you have any comments about the changes proposed to: - annex 1?

Do you have any further comments regarding the proposed amendments to The Highway Code which focus on safety improvements for cyclists, pedestrians and horse riders?

Any other comments?

