



Devon Countryside Access Forum  
c/o Public Rights of Way team  
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**Minutes of the Fifty-Seventh meeting  
of the Devon Countryside Access Forum**  
Virtual meeting  
**Thursday, 21 January 2021**

**Attendance**

*Forum members*

Andrew Baker  
Joanna Burgess  
Chris Cole (Vice-Chair)  
Tim Felton  
Lucinda Francis  
Gordon Guest

Jo Hooper  
Sue Pudduck  
Councillor Philip Sanders  
Tino Savvas  
Sarah Slade (Chair)  
Bryan Smith

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

Helen Clayton, Senior Officer, Public Rights of Way, DCC  
Marta Gawron, Public Rights of Way team  
Philip Hackett, British Horse Society Access Field Officer – South West  
Ros Mills, Public Rights of Way Manager, DCC  
Hilary Winter, Forum Officer

**1. Apologies**

Apologies had been received from Cllr Tony Inch, Sue Leith and Lorna Sherriff.

**2. Declaration of interests**

There were no declarations of interest.

**3. To approve minutes of the meeting held on 24 September 2020**

Minutes of the meeting held on 24 September were approved and would be signed in due course.

## **4. Matters arising**

### **4.1 Pebblebed Heaths Visitor Management Plan**

The Devon Countryside Access Forum had responded to the consultation. Clinton Devon Estates had confirmed that it will be promoting Wheathill car park as the practical and safest option for horse box parking. Almost all parking areas would have height barriers installed as part of capital works when on site, but some will generally be kept open. All organised events required permission. It was hoped to complete phase one of the improvements by autumn 2021 and this included Four Firs and Joney's Cross car parks and the informal parking areas at Stowford Woods and Frying Pans. A consultant had been contracted in to manage the project. During 2020 the Pebblebed Heaths had seen much higher footfall so plans would be reviewed at the outset of each phase to make sure they are still appropriate.

The Forum Officer was asked to enquire which barriers would be left open and whether these would be advertised.

*Action: Forum Officer to contact the Pebblebed Heaths Site Manager.*

### **4.2 Advisory note on trails**

The finalised advisory note on trails had been sent to the Public Rights of Way Manager who thanked the Forum for its hard work. Some aspects were aspirational but it was a helpful document in terms of policy development.

### **4.3 Annual Report**

The Annual Report had been published on the Devon Countryside Access Forum website.

## **5. Correspondence log**

The correspondence log was noted. The Forum's position statements on Neighbourhood Plans and Disability Access were useful in responding to Neighbourhood Plan consultations. Occasionally additional comments were made, such as a request to include a public rights of way map.

## **6. Public Questions**

The Chair welcomed Philip Hackett, British Horse Society Access Field Officer South West, to the meeting.

Mr Hackett expressed the need for trails in the County to be opened up retrospectively for horses as soon as possible to get horses off-road. Sustrans policy was to remove barriers to multi-use. The multi-use trail in Cornwall, the Camel Trail, was successful and used by 400,000 visitors a year. He was particularly

interested in access on the Tarka Trail from Bideford to Fremington Quay and Torrington. There was evidence of rider use but riders would like to use the route legitimately and would avoid busy times. His view was that this would save lives and money and create benefits for tourism and the economy.

It was noted the British Horse Society's 'Dead Slow' campaign had been supported by Devon County Council's Cabinet, following a motion by Cllr Hannaford.

Mr Hackett asked whether the Devon Countryside Access Forum could examine the DCC policy of multi-use and urge the Council to conform to its own policy on multi-use and give retrospective rights? He had lobbied the Leader of Devon County Council, Cllr Hart, on this point when he attended Torridge District Council's Area Advisory Group Meeting in December.

Ros Mills, Public Rights of Way Manager, explained that the Countryside and Rights of Way Act 2000 established both local access forums and rights of way improvement plans. The DCC Rights of Way Improvement Plan was revised in 2012 and linked to the Devon Transport Plan. In this context, all vulnerable users, including horse riders, were considered in the use of new multi-use trails. The Forum did a lot of initial work in assisting with this. The audit trail required an examination of design, safety, connectivity and other factors. As a result, horse riders were permitted on the new Wray Valley Trail. The aspiration in the long term would be to look at existing routes.

It was noted that there are other potential new users of routes, such as electric bikes and scooters.

In answer to a question about horse poo, Mr Hackett said that this degraded quickly.

Whilst there was no issue in principle, members recognised there were practical limits in certain places. There were responsibilities on all users to recognise implications for others.

It was noted that there were some locations where landowners had granted permissive use but excluded horse riders.

Whilst the British Horse Society and Pony Clubs offer proficiency tests, Mr Hackett thought it an unwise move to insist on these to ride trails as cyclists did not have to do so.

Information was requested on the length of trails in the County where horses were not permitted and how many new routes did not permit horses.

It was noted that more women ride, and that it may be a gender equality issue that needed to be considered.

Whilst multi-use was the preferred option, it was agreed that retrospective use was slower and more problematic to achieve. When asked whether the BHS could identify quick wins, Mr Hackett said it had to be across the board to achieve progress. A safety audit would identify any issues such as parapet heights, visibility and other constraints.

Ros Mills, Public Rights of Way Manager affirmed that many trails used public roads and legally defined bridleways which were historic and statutory routes and there was no say in the design. When new routes are built there was a design and safety audit. The development of routes was a very slow process requiring landowner agreement and funding. It was confirmed that no routes are owned or managed by Sustrans in Devon but they were built and designed by DCC to Sustrans, Department for Transport and other professional standards. Sustrans volunteers were helpful in looking after routes. It would be possible to use Sustrans risk assessments and DCC risk assessments on legacy routes plus the Forum's best practice. With the Camel Trail, Cornwall Council owned all the land and could make decisions.

Ros Mills said many of the legacy routes had caveats and agreements and looking into those would be part of any review. This was why a blanket approach was not possible. Routes also had to meet current standards. Whilst welcoming the involvement of the BHS on safety audits, Ros Mills, Public Rights of Way Manager, said that unfortunately the team did not have the time or resources to dedicate an officer to assist with this process at the current time.

Although bylaws could be put on the off-road trail network, the Council currently would not wish to do this.

It was noted the disabled ramblers' was going through a similar process and securing piecemeal improvements over time, despite the principle of accessibility.

Ros Mills, PROW Manager, said further information on horse incident statistics on roads had been presented to Devon County Council's Cabinet meeting earlier in January. She confirmed the unclassified, unsurfaced county road network (uUCR), and connectivity between parishes in the context of a review of off-road trails, would be tied into the DCC carbon plan.

The DCAF agreed to write to reinforce its position on multi-use trails and the RoWIP policy, the importance of funding to look at these routes retrospectively, and how people valued outdoor space during lockdown. Equality and aspirations for zero carbon were additional considerations.

*Action: Forum officer to send round draft for approval.*

## **7. British Horse Society and Council Local Cycling and Walking Infrastructure Plans**

It was agreed that the Devon Countryside Access Forum would endorse the BHS request that horses should be considered in the context of Local Cycling and Walking Infrastructure Plans. It was resolved to write to Devon County Council.

*Action: Forum Officer to circulate draft.*

## 8. Public Rights of Way update

Jo Burgess reported that she had recorded a public rights of way defect on the online system and had been impressed with the quick response.

Ros Mills, Public Rights of Way Manager, gave some general updates:

- 1) The public rights of way network was busy but not quite as much as in the first lockdown. Routes were being resurfaced and sides cut back to facilitate use.
- 2) A press release had been sent out, following discussions with the NFU, about lambing and livestock. The website had been updated with this information.
- 3) Some sections of the England Coast Path had been approved between Cremyll and Kingswear and Combe Martin and Marsland Mouth. The team was assessing requirements and bidding for funding from Natural England for infrastructure.
- 4) Steve Gardner, Senior Officer, had not had time to do further work on the Pegasus Way. He was working on bridge installation in and around Colyton following decisions by the Planning Inspectorate.
- 5) Over fifty small contractors, spread across the County, had submitted tenders to be part of the Public Rights of Way Framework Contract from 1 April 2021.
- 6) Due to COVID-19 there had been some supply issues with materials and some prices had increased by 8%.
- 7) Capital budgets for 2021/22 were satisfactory but revenue budgets would be more of a challenge.
- 8) The Country Parks had been very popular during coronavirus. Stover had its Heritage Lottery Fund delivery team in place and Gary Prescod, Project Officer, could do a presentation to the DCAF at a future meeting.

Helen Clayton, Senior Officer, Public Rights of Way, gave the Legal and Development update:

- a) COVID-19 had impacted on the Legal and Development team. Consultations had been suspended to ensure people did not travel to look at proposals. Record Offices were also closed which could prejudice staff and others wishing to research routes.
- b) The Public Rights of Way Committee would be in March and the first virtual meeting had been held in November.
- c) Formal working parties by P3 groups had been suspended.
- d) A virtual Planning Inquiry, planned for February, had been postponed until June. The Planning Inspectorate would be holding some blended inquiries, partly virtual and partly at a venue, which might have implications for how local inquiries can be.
- e) Contact had been made with the coordinator of the Ramblers 'Don't Lose Your Way' project, Jack Cornish. He had acknowledged that not all the ways identified by comparing old and modern maps will have evidence. Their next steps would be to carry out checks to identify old paths legally diverted or extinguished, routes on the list of streets and those previously considered through parish reviews. Routes of benefit to communities will then be prioritised for further research. Mr Cornish had offered to speak at a DCAF meeting.

Ros Mills said the uUCR network was taking up a lot of resources but it offered potential to help deliver the carbon plan.

In answer to a question about Brexit, Ros Mills said the new Environmental Land Management Scheme was trying to cover income previously received by farmers from the EU.

The National Farmers Union and Country Land and Business Association had tried to promote prospective new legislation on diverting paths. It was understood that this had not gone forward for legislation. Under the proposals, the definitive line had to stay open and the landowner was liable for the temporary route which did not reduce risk. The chances of legislative time were slim currently.

It was suggested and agreed that an agenda item on uUCRs would be useful at the next meeting to cover signage, maintenance, monitoring and extent. Chris Cole (member of the TRF) said members of the Trail Riders' Fellowship were available to assist with maintenance, when permitted, and was thanked by Ros Mills for the work they had previously undertaken to make such routes available for all users.

*Action: Forum Officer to prepare agenda paper on uUCRs for the April meeting.*

Cllr Philip Sanders had attended a meeting with the National Park, National Trust, Duchy of Cornwall and others and it had been noted that users were spreading out over moorland paths to avoid mud. Ros Mills confirmed this had been noticed on the urban fringe where paths had become very eroded. Although this could be managed with temporary closures this would be detrimental to local exercise and health and wellbeing. This matter had been raised in a BBC news item.

The Chair requested any thoughts on this for the next meeting.

*Action: Members*

## **9. Ludwell Valley Park**

The agenda paper described the background to this park, managed for Exeter City Council by the Devon Wildlife Trust. A small working group had visited the park in September 2020, abiding by COVID-19 rules at the time.

The starting point for the submission to the DWT was more accessible and meaningful routes. The main problem for disability users was the number of kissing gates, narrow or small steps and steep hills. Large vehicle gates on the site were padlocked and used by agricultural machinery. The site was grazed at certain times so had to be secure.

The top ridge presented a useful starting point with access to Pynes Hill. Ludwell Lane was rather more complex. The DWT was amenable to doing what it could within limitations of funding and staff resources.

The site also presented obstacles to pushchairs and cycles. A cycle route could link Southbrook area to Pynes Hill commercial area and beyond to Topsham, provided there was no conflict with grazing cattle and no urbanised surfacing. Although there

was a Traffic Regulation Order on Ludwell Lane this was not traffic free as housing was on the road.

The DCAF working group did not walk by the playing fields but Gordon Guest suggested that a kissing gate at the end of the footbridge could be a priority to allow a pleasant stream walk. Gates could be opened off Ludwell Lane, particularly if there were no stock issues.

It was agreed to respond with priorities for the top ridge and bottom area and advise that disability access should be looked at on other DWT sites in the City.

It was noted that Southbrook School and the West of England School and College were on the boundary of the park and improved access would also assist access for their pupils.

*Action: Forum Officer to circulate draft.*

## **10. Disability Access Position Statement**

The revised Disability Access Position Statement was approved.

*Action: Forum Officer to put the new version on the DCAF website.*

## **11. To note and approve responses to consultations**

Two working groups had been held during the Autumn to discuss draft responses to items 11.2, 11.4, 11.5 and 11.6

### **11.1 Marsh Barton Railway Station**

The response was noted and approved.

The application had been approved by Devon County Council with delegated decision on 1 December. Conditions included submission of detailed to scale drawings of the pedestrian and cycle path, junctions and crossing points.

The large number of people using Clapperbrook Lane was re-emphasised.

### **11.2 Planning for the Future**

The response was noted and approved.

It was noted that The Rt Hon Robert Jenrick, Secretary of State for Housing Communities and Local Government, had subsequently abandoned the algorithm used in the consultation to thus allow an increase in housebuilding in urban areas.

### **11.3 Review of the Highway Code**

The response was noted and approved.

### **11.4 Lower Otter Valley planning application**

The response was noted and approved.

The scheme has been approved by the East Devon District Council Planning Committee on 6 January. The DCAF's comments were included as part of the Committee report.

Conditions, prior to development, included submission of an access scheme for approval, in liaison with the Devon County Council Public Rights of Way team. This would include provision for the design of public rights of way routes including surfacing, widths, levels, gradients, landscaping, structures and any road crossing points.

Detailed plans of the proposed car park and a timetable for the phasing of the works for the removal of the existing car parking spaces and the delivery of the new car park would have to be submitted to and approved in writing by the Local Planning Authority. This included a minimum of 40 car parking spaces and 10 cycle parking spaces with associated facilities. The original application was for 30 parking spaces.

Planning approval meant work on the project could start shortly and be completed in 2023. The Lower Otter Restoration Project was part of a wider Project PACCo – Promoting Adaptation to Changing Coasts – which will receive €17.8m from the Interreg VA France (Channel) England programme.

Some of the Forum's comments had been taken into consideration. Concern was expressed about tidal flooding on public rights of way and the proposed sanctuaries for access users during periods of flooding. The Forum agreed that this should be monitored and requested regular updates from the Public Rights of Way team.

*Action: Forum Officer to include project update for next meeting.*

### **11.5 Teign Estuary Trail**

The response was noted and approved.

Devon County Council, following consideration of consultation responses, hoped to put in a planning application in the spring/summer 2021.

### **11.6 Clyst Valley Regional Park Masterplan**

The response was noted and approved.

The Masterplan raised many questions and it was agreed to monitor its progress. The consultation had triggered a very large number of responses.

## **12. Current consultations**

### **12.1 Countryside Code update, Natural England**

A discussion took place on the Countryside Code refresh.

One of the questions related to knowledge of the Countryside Code and a poll of members revealed differing levels of knowledge. It was agreed that the Code was not particularly well-known.

Members discussed the strapline Respect-Protect-Enjoy. There was concern that people did not necessarily know what they should respect and words had different connotations for people. The term 'right to roam' had, inaccurately, been taken up as meaning a right to walk where people wanted. One landowning member gave instances of stock worrying. There was also a possibility people might prioritise enjoy over respect. Members were not convinced that the strapline in its current form had value.

The existing short and long codes were not particularly easy to read or absorb and it was agreed clear and consistent messages were essential. There was a lot of ignorance about the Countryside Code and there needed to be a way of getting information across to people, such as the earlier successful collaboration with Aardman Animations.

The issue was how people were educated about the Code and how it was promoted. It was not possible to capture everything without making the Code too long. A Code that could be included in schools as an aspect of citizenship and which allowed simple straightforward conversations was necessary. This process was not included in the survey.

Cllr Sanders confirmed that as an assessor for Duke of Edinburgh expeditions, children were aware of the key points of the 1981 Code and their importance.

A short direct simple code could be affixed to a post or available on a mobile device, making it clear what people could do.

There was a feeling that outcomes had already been decided but that how to communicate the code had not been covered. It was difficult to feed into the consultation. Some things were open to interpretation, for example 'leave all gates as you found them' may not be the best advice if someone earlier had left a gate open.

There was a concern about stereotyping, for example comments that new people coming into the countryside due to coronavirus were causing a problem.

The new Code needed to be much more targeted and focussed and engage with people in a powerful way. It was agreed the short messages of the 1981 Country Code were better.

It was resolved to send Natural England some general comments.

*Action: Forum Officer to circulate draft.*

## **12.2 Parks and Green Spaces, Exeter City Council**

A brief discussion took place on the Parks and Green Spaces strategy. It was agreed the aims and actions were laudable and should be supported.

Additional points to be raised were:

- The importance of working across authority boundaries, especially in relation to planned housing developments and the need to create and improve green space;
- the need for a specific aim and action on mobility scooter accessibility;
- inclusion of the Devon Countryside Access Forum as an organisation the City Council could work with, as well as a continuation of public engagement; and
- to query where the Hoopern Valley sat in the strategy as it did not appear to be included.

The informative short videos on the Valley Parks produced by the Devon Wildlife Trust, as mentioned in the January DCAF newsletter, were commended.

*Action: Forum Officer to draft response and circulate.*

## **12.3 Devon Interim Carbon Plan**

It was agreed that the outcomes and actions were laudable and it was resolved to send a letter supporting the Plan.

It was noted that people feeling safe in their space had not been included and would be added to the response.

A comment was made about the number of delivery vehicles on the road but this was not within the Forum's remit.

*Action: Forum Officer to circulate draft response.*

### **13. Dates of meetings 2021/2022**

Dates for meetings in 2021/2022 were agreed. These would be at 10.00 a.m. on:

Tuesday, 27 April (virtual);  
Tuesday, 21 September; and  
Tuesday, 18 January 2022.

### **14. Recruitment and appointments to the Devon Countryside Access Forum**

Devon County Council had suspended recruitment in 2020 due to the pandemic. Andrew Baker and Sue Pudduck would reach the end of their three-year term at the end of March 2021. The Chair was pleased to announce that both had been offered and accepted a further term.

### **15. Any other business**

#### **1. England Coast Path**

The Secretary of State for Environment, Food and Rural Affairs, had approved some sections of the England Coast Path between Combe Martin and Marsland Mouth and Cremyll and Kingswear. The decision had arrived too late to include with agenda papers but the Forum Officer had let members have a briefing note. This would be on the agenda for the next meeting.

It was noted that it was disappointing little notice had been made of the Forum comments, particularly in relation to ferries. However, some stretches had not yet been determined, for example the River Erme section.