



Devon Countryside Access Forum
c/o Public Rights of Way team
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Minutes of the Fifty-Eighth meeting of the Devon Countryside Access Forum

Virtual meeting
Tuesday, 27 April 2021

Attendance

Forum members

Andrew Baker
Joanna Burgess
Chris Cole (Vice-Chair)
Tim Felton
Lucinda Francis
Sue Leith

Sue Pudduck
Tino Savvas
Lorna Sherriff
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, DCC
Ros Mills, Public Rights of Way Manager, DCC
Hilary Winter, Forum Officer, DCC

1. Apologies

Apologies had been received from Gordon Guest, Jo Hooper, Cllr Tony Inch and Cllr Philip Sanders.

2. Declaration of interests

There were no declarations of interest.

3. To approve minutes of the meeting held on 21 January 2021

Minutes of the meeting held on 21 January were approved and would be signed at a later date.

4. Matters arising

4.1 Public question / British Horse Society - equestrian access to recreational trails and Local Cycling and Walking Infrastructure Plans

The Forum had written to Devon County Council about equestrian use of recreational trails and Local Cycling and Walking Infrastructure Plans. Mr Hulland, Transportation and Road Safety Manager, had responded confirming lack of resources and funding to undertake a review of older trails. The Cycling and Multi-use Strategy would be refreshed, taking into account equestrian use and new guidance. Useful statistics on horse riding access had been provided by the Public Rights of Way team.

Mr Hackett, BHS, had emailed thanking the DCAF for its support. He asked what measures the DCAF could adopt to ensure the multi-use policy is complied with as progress to roll-out multi-use retrospectively had been virtually at a standstill. It was noted the DCAF did not have the power to enforce compliance.

Although suggestions had been made at the last meeting of quick wins or a priority list, Mr Hackett had expressed a strong preference for an overall approach.

Ros Mills, DCC, confirmed trails post 2012 were subject to a transparent assessment to see whether horse riding could be included. The DCAF had a potential role to monitor this audit in any ongoing trail development. The network of trails pre 2012 would be resource intensive to assess retrospectively as they had been designed primarily for walking and cycling.

The DCAF resolved to maintain its interest in the review of the Cycling and Multi-Use Strategy.

4.3 Teign Estuary Trail

The results of the public consultation had been analysed. DCC is working on minor changes to the alignment with a view to putting in a planning application later in the year.

Ros Mills, DCC, confirmed the multi-use assessment was being carried out and advice was being given to the Transportation and Road Safety team and associated consultants.

4.2 Lower Otter Valley update

Following planning approval, archaeological surveys and ground investigation works to obtain geotechnical, archaeological, buried utility and highway construction information were being undertaken. The main scheme is due to start in May/June.

The Public Rights of Way team were involved in advising and commenting on legal and infrastructure detail.

4.4 Clyst Valley Regional Park Masterplan

Survey results had been analysed and a revised Plan would be going to the Strategic Management Committee of East Devon District Council for approval on 27 April. More information will be available after that meeting.

The analysis stated that “we can reassure DCAF that safety and user audits are routine as part of project development; the Engineering Design Group at Devon County Council are assisting with this process.” A new section titled ‘Traffic-free network – standard and types’ had made explicit what is meant by the terms ‘traffic-free trail’ and Sustrans guidance had been included to support the text. ‘Quiet Lanes’ had been re-titled ‘Quiet Ways’ to make explicit the difference between the former (a statutory designation) and the latter (an informal designation).

Detailed plans of projects had been replaced by key diagrams which express the connection between trail projects more clearly.

The new Plan had included additional text to support objectives to meet the needs of those with disabilities. Horse riding was included in the health and well-being objective.

Measures will be put in place to increase resilience to flooding and improve public safety. New trail infrastructure would be planned to avoid the floodplains as much as possible.

A delivery group or board will be overseeing next steps in this ambitious and multimillion-pound project.

5. Election of Chair and Vice Chair

The Forum Officer took the Chair. Sarah Slade was elected Chair, proposed by Sue Pudduck and seconded by Tino Savvas. Chris Cole was elected Vice Chair, proposed by Lorna Sherriff and seconded by Sue Pudduck. Everyone was in agreement. Sarah and Chris were thanked for their work during the challenges of the past year.

6. DCAF representation at meetings

6.1 Defra Access and Inclusivity workshop

The Chair had attended the Defra Access and Inclusivity Workshop. This was a virtual meeting with a large number of attendees. Attendees were split into small groups for discussions on matters such as how to encourage people into the countryside and how to positively engage with new audiences, especially those that feel disconnected from the countryside. The training and support that might be needed to deliver that was discussed, as well as the likely partnerships necessary for delivery. The value of existing

organisations, such as LEAF (Linking Environment and Farming) and Countryside Access Forums (which bring people together from different disciplines and with different skills) was recognised.

Discussions took place about how to engage landowners in various schemes, but no landowner organisations were represented. There may be additional work in the future.

6.2 Pebblebed Heaths National Nature Reserve (NNR) Board

The National Nature Reserve (NNR) opening event planned for May 2020 had been postponed and a virtual launch event would be taking place in May 2021. The NNR covered the Pebblebed Heaths, primarily owned by Clinton Devon Estates but with some parcels leased or owned by the Devon Wildlife Trust, RSPB, and others. A project board had been established, chaired by Chris Woodruff (East Devon AONB Manager), and including a range of representatives including the Marines. There was a need to improve the environmental condition of the site. The DCAF had been invited onto the board to represent access interests and Sarah Slade had agreed to participate and would report back, as appropriate. The NNR had witnessed a huge increase in access users during 2020, at a level anticipated in ten years' time.

6.3 Exe Estuary Trail accessibility

Gordon Guest had been in discussions with Kirstie Pritchard, Natural Environment Officer, with a view to assessing some routes for disabled users which could be promoted on the Explore Devon website. Three dates in May had been proposed for the wheeled access group (WAG) to look at routes centred on Dart's Farm, Lymphstone and Exmouth. Members of the DCAF were welcome to attend.

Tino Savvas expressed interest in participating. Jo Burgess was unavailable but interested in any future dates.

7. Correspondence log

Questions were raised on the following:

Item 5 – Tarka Trail planning application

Although the planning application had been withdrawn, Ros Mills, DCC, confirmed that the stretch between Meeth and Hatherleigh remained a key link. Any revised alternatives needed to go through proper process and surveys and be handled sensitively. The DCAF could comment on a future application but it would be inappropriate for it to be involved at this point.

Item 13 – Foreshore at Teignmouth

Helen Clayton, DCC, said the footpath leading to the foreshore was a cul-de-sac route and during CoVID-19 increased numbers had been using the route. She and the PRoW warden had met with partner agencies; the Harbour Office, Teign Estuary Officer, the Parish Council and landowners to clarify the situation. The Crown own the foreshore and permit access but there is no right to be elsewhere when the foreshore is not available. The Teign Estuary Officer is working on wording to explain that access to the foreshore is permissive and to remind people of their responsibilities. The wording will be agreed by all parties. It was confirmed that there will be no access from the proposed Teign Valley Trail to this footpath due to access and physical constraints and sensitivities on the designated wildlife site.

8. Public questions

There were no public questions.

9. England Coast Path

The decisions made by the Secretary of State on the stretches between Combe Martin and Marsland Mouth, Cremyll and Kingswear, and Kingswear and Lyme Regis were noted. Some stretches had not yet been determined, including the Avon Estuary. The agenda paper set out Natural England's comments on the DCAF responses plus the Secretary of State's comments.

Rolling out the England Coast Path was a statutory process. Much of Devon already had the infrastructure in place but there would be a formal opening once Natural England had agreed all the infrastructure. There was no timescale for this. Access to the coastal margin was a responsibility of the local authority.

Ros Mills, DCC, confirmed a funding bid had been put in for improvements to infrastructure on or near existing paths and the DCAF would be briefed on progress.

A specific question was asked about access to Lighthouse Beach. The decision to include this as coastal margin had been welcomed by the local community. Helen Clayton, DCC, confirmed that the authority had power to seek landowner agreement to secure access to the margin. In the absence of an agreement the authority had power to take action, but the landowner had a right of appeal. The coastal margin at Kingswear bridged the gap between the beach and the existing footpath as the Definitive Map and Statement shows that the footpath does not proceed onto the foreshore. In the first instance, the Public Rights of Way team would seek to negotiate to secure the removal of the current gate and fencing. There was no timescale for this at the moment.

The authority did not have a power to negotiate on coastal margin issues until the path was formally open but there was nothing to preclude earlier negotiations.

Ros Mills, DCC, said the DCAF would be informed of progress and any requirement for DCAF support. Negotiations were sensitive and had a long history. There had been a village green application at one point and the planning inquiry had been adjourned pending case law. Whilst some members expressed a keenness for

greater DCAF involvement, it was recognised that it was important not to jeopardise or prolong the process. The matter would be put on a future agenda to ensure members were kept informed.

10. Minutes of the Public Rights of Way Committee

Minutes of the PRoW Committee were noted.

11. Public Rights of Way update

Ros Mills, DCC, said the network had been very busy and this had been noted by councillors. Wardens were endeavouring to keep paths cut back to help social distancing. The DCC PRoW website pages were being used to convey important messages to the public. Other issues were managing people, pop-up car parks and camping but these were not the responsibility of the PRoW team.

The new PRoW Framework contract was being rolled out and contractors were being asked to register with ACDC to ensure health and safety and insurance matters were managed properly.

The wardens used approximately 1/3 of the revenue budget for annual grass cutting. Hedges were the landowner's responsibility. Budgets for the current and following year are good. A secondee from the Engineering Group was assisting the team with big capital projects such as the resurfacing of off-road trails and advising on engineering works.

The DCAF support for the Stover Country Park Heritage Lottery Fund bid had been appreciated. Gary Prescod, Project Manager, is procuring advice from consultants to explore the development part of the project before putting in a bid for part two, the delivery project. DCAF support for this would be helpful later in the year. Jon Avon, Stover Park Manager since 1990, was moving to a new job and the post was being advertised.

The Grand Western Canal was being well-used as people discovered local places on their doorstep.

In answer to a question about whether ACDC could be used by P3 and volunteer groups such as the Trail Riders' Fellowship, Ros Mills said she would discuss this with Steve Gardner, PRoW.

Helen Clayton, DCC, explained that the PRoW Team had recently restarted consultations, following the relaxation of 'stay at home' / 'stay local' restrictions, which had had an impact on the ability to comply with statutory requirements for advertising and could have put the Council at risk of legal challenge. The Definitive Map Review Team was therefore now able to publish informal consultations and legal orders but there would be a knock-on effect on the parish review progress and production of reports to the next PRoW Committee meeting in July.

The first Planning Inspectorate blended Inquiry in Devon would be held in East Down on 15 June. Blended Inquiries had been held elsewhere in the country, but this is possibly the first one in a rural area. A local venue with facilities for people to

participate would be available plus online options. The Inquiry may be available to view on YouTube and will be advertised early in May. It will also be publicised on the DCC 'Have Your Say' webpage with links to all documents. It was not known whether Planning Inquiries will be online in future but having electronic copies of documents had been useful, although time consuming to scan. A paper copy would still have to be made available for inspection. People were often more willing to speak at an in-person inquiry.

A number of planning applications had been received for temporary planning, such as camping sites. These created additional work.

There had been an increase in section 31(6) applications from landowners and greater awareness of this process, probably due to the increased use of the countryside during the pandemic.

12. Devon's unsurfaced, unclassified road network (uUCRs)

Helen Clayton and Steve Gardner from the Public Rights of Way team were thanked for their informative briefing paper. uUCRs provided valuable assets which do not have the profile of public rights of way.

Ros Mills, DCC, confirmed that the public rights of way team received a lump sum budget and had to make a balanced decision on funding for rights of way, off-road trails and uUCRs. More of the highway network had been passed to the PRow team as some highways deteriorated. Some discussions had taken place as to whether it was cheaper to resurface some and keep them within the roads team rather than remove poor surfacing.

Reference was made to the Changing Lanes project whereby some surplus roads had been downgraded and not maintained, becoming recreational routes. Ros Mills said that some routes were popular with cyclists but they did not like the deteriorating surface. The carbon plan agenda had arisen since 'Changing Lanes' which has a particular aim to connect communities without using cars and this could produce some funding if such aspirations were incorporated into Local Cycling and Walking Infrastructure Plans and other plans.

Members raised comments about signage for uUCRs, stating that signs needed to be clear and consistent so that the public are aware of distinctions. uUCRs were not always clear on maps. Ros Mills said uUCRs in Devon were on the county council's List of Streets (there was confidence that this designation was correct due to a particular process in the Devon original process to establish the Definitive Map). The OS key depicts these routes in green or red dots depending on the map scale. She agreed the network had evolved and there would be opportunities to review the signage to be more consistent. It became complicated when public rights of way fed off uUCRs. It might be possible to link in with the new Countryside Code images in the future. There is, however, no legal duty to sign roads unlike PRow where there is such a duty.

Helen Clayton, DCC, clarified that public rights of way were a particular category of highways shown on the Definitive Map, of which Byways Open to All Traffic (BOAT) were one type. Like uUCRs, these also carried vehicular rights, although are mainly

used as footpaths and bridleways. A BOAT was generally an old road, but one which had not been recorded on the Council's List of Streets. PRow were a subset of highways.

Reference was made to the graph showing ease of use of uUCRs. It was noted that in some areas degradation of uUCRs had occurred with gullying or poor tarmac. These required a huge amount of money to achieve a reasonable surface. Ros Mills said problems could be reported on the DCC 'report a problem' webpage so that wardens could investigate any reports. Often dramatic weather events accelerated deterioration.

It was noted that some roads are signed as unsuitable for motor vehicles. This could be a result of decisions to rationalise the network where budgets were under pressure, maintained solely for residents' access, (these decisions were made through a local consultation process), or it could be that the route is in disrepair with insufficient funds to maintain at present. The Neighbourhood Highway Managers were involved in such decisions. Any Traffic Regulation Orders are available on the DCC website [Search - DCC Services Portal \(devon.gov.uk\)](https://www.devon.gov.uk/search) as was the List of Streets [Land charges - Environment \(devon.gov.uk\)](https://www.devon.gov.uk/land-charges-environment)

It was confirmed that uUCRs and BOATS had legal rights for vehicles and the usual driving laws would apply.

Members discussed the range of electronic maps available including the PRow interactive map and other applications such as Memory-Map and ViewRanger. These were improving in quality and speed of download. Google maps did not differentiate between status and Helen Clayton said people could put inaccurate information on Google Maps which presented a new challenge. People might carry out-of-date maps.

Forum members were reminded that that the legal record is held by the County Council - this information can be used by the OS and other mapping products (not the other way round).

13. To note and approve responses to consultations and updates

13.1 Parks and Green Spaces, Exeter City Council

The response was noted and approved.

13.2 Devon Interim Carbon Plan

The response was noted and approved.

An Interim Consultation Report had been prepared with a view to a final report in May. A Citizen's Assembly is planned for July online.

13.3 Countryside Code refresh

The response was noted and approved.

The Code had been published with media resources made available to authorities and other partners. The intention is that the Code should be an evolving document and there may be further opportunities to contribute. Marian Spain, Chief Executive of Natural England sent her “personal thanks to all of you for taking the time to share your insights and support us with this important piece of work over the last few months.”

13.4 Planning appeal - Pennsylvania Road, Exeter

The response was noted and approved.

Whilst this was a specific planning application, it had a particular impact on the bridleway network. The response was couched in wider terms too using the DCAF position statements.

14. Current consultations

14.1 Northbrook Park, Exeter City Council

Gordon Guest had supplied some comments on accessibility. He wished to ensure new structures or improvements were considered at the outset and that the park was accessible for those with wheelchairs or mobility scooters.

The park included the Exeter Green Circle walking route and public rights of way.

The consultation documents and proposals were praised for their links to initiatives and mental well-being.

It was noted that there was no reference to finance, potential partnerships and timescales for work. It would be useful to indicate this, particularly as the Devon Wildlife Trust had recently terminated its involvement with Seaton Jurassic.

A discussion took place about re-wilding and tidier, more developed areas and increased interest in the countryside and nature. Although conservation itself was not part of the DCAF remit, it would be appropriate to mention a balanced approach and the need to ensure the park was not urbanised and there was good public access through dedicated space or wildlife corridors. The wildlife aspect was part of the experience.

The range of laudable proposals presented an excellent opportunity to educate about responsible use.

A discussion took place about safe access to the park, avoiding the

crematorium road, and it was noted there were plans to improve the signal crossing on Topsham Road.

The park provided an important strategic link with Ludwell Valley Park and the Riverside Valley Park and there was the opportunity to learn lessons from other green space areas.

Concern was raised that it might be just a dog walking area and, in this context, there might be scope for exploring areas where dogs might be less welcome. It was noted that the park had some current recreational use for pitch and putt, dog walking, a cycling route and also existing public rights of way.

It was agreed the proposals were impressive and should be endorsed. The closing date was 3 May which gave limited time to draft and agree the response.

Action: Forum Officer to circulate draft response.

15. Devon Countryside Access Forum Annual Report

The Annual Report was approved and would be published following inclusion of additional photographs.

Action: Forum Officer

16. Training Day

It was agreed that a Training Day in Exeter would be useful, centred on the valley parks. The Chair and Forum Officer would discuss potential dates and plans and circulate.

Action: Chair and Forum Officer

17. Work Plan 2021/22

Items for the work plan 2021/22 included:

- 1) Multi-use and equestrian access. Keep under review and contribute where appropriate.
- 2) Continue to encourage working with landowners.
- 3) Consider increased use of the countryside and how to encourage responsible use.
- 4) Maintain links with the public rights of way team.

Action: Forum Officer to circulate a plan.

18. Any other business

Members

Recruitment to the DCAF had not taken place in 2021 due to the pandemic and the lack of face to face meetings. Andrew Baker and Sue Pudduck, due to end their three-year term in March 2021, had been offered a further term and it was much appreciated that they had both accepted.

Huddle

The Huddle interactive site for local access forums had been terminated by Defra at the end of March. Individual licences had been expensive. It was hoped to replace this with a SharePoint collaborative site.

Ramblers 'Don't Lose your Way'

Helen Clayton, DCC, confirmed the project officer is aware of not overwhelming authorities with claims. These needed to be prioritised and volunteers were working on this to enable quality Schedule 14 applications with accompanying evidence. There were resource implications for the PRow team if information is requested. Helen would be meeting with the Devon coordinator shortly to advise on historic records and where to find them. It is hoped that coordination can take place if the Definitive Map review team are working in a parish. Nationally the project will need to cross-reference with current applications, where routes have been diverted or stopped up in the past, and look at the List of Streets. Not all is available online, but records can be extracted from committee reports. It was noted a route shown on a member's land had been previously extinguished.

The basis of the project is focussing on routes which had not been recorded on the original Definitive Map and required evidence to claim them – in contrast to the RoWIP approach where the wish to record them is through desire or need.

It was noted that Kirstie Pritchard, Natural Environment Officer, had data to support the value of PRow to the economy.

RoWIP (Rights of Way Improvement Plan)

In response to a question about the RoWIP review, Ros Mills, DCC, said legislation says an authority shall, not more than ten years after first publishing it and subsequently at intervals of not more than ten years –

- a) make a new assessment of the matters specified in subsection (2), and
- b) review the plan and decide whether to amend it.

As the RoWIP was last published in 2012, it would be reviewed next year but the decision may be made not to amend it. The review may be better after publication of the refreshed Cycling and Multi-Use Trail Strategy and the Devon Carbon Plan. Implementation of the Deregulation Act is still awaited and this would also have a significant impact on the legislative process. A rolling programme may be appropriate and there may be future opportunities to do more consultation. There is

no longer a dedicated RoWIP Officer and communities are being directed to the 10 Steps Community Guide.

Retirement

Attention was drawn to the retirement of Ros Mills, Public Rights of Way Manager in May.

Ros Mills said she had enjoyed the many challenges of the job. She thanked DCAF members and previous members for their help and for developing excellent policies. The mix of members' backgrounds and balanced approach were very useful. Interviews would be taking place shortly and she would ask her line manager about incorporating a question about working with the DCAF.

The Chair thanked Ros on behalf of the Forum for her cheerful and positive approach and willingness to respond to DCAF comments and try and find solutions. Other members thanked and complimented Ros on her achievements. Ros was wished a happy retirement.

19. Date of next meeting

The next meeting would be on Tuesday, 21 September at 10.00 a.m. A decision on whether this would be virtual or face-to-face would be made nearer the time.