



Devon Countryside Access Forum
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**Minutes of the Sixty-First meeting
of the Devon Countryside Access Forum
held at County Hall, Exeter
Monday, 25 April 2022**

Attendance

Forum members

Joanna Burgess
Cllr Richard Chesterton
Chris Cole (Vice Chair) (virtual)
Tim Felton
Lucinda Francis
Gordon Guest
Cllr Linda Hellyer
Sue Leith

James Nevitt
Sue Pudduck
Tino Savvas (virtual)
Robert Sewell (virtual)
Lorna Sherriff
Sarah Slade (Chair)
Bryan Smith

Devon County Council Officers and others present

Richard Walton, Public Rights of Way Manager, Devon County Council
Hilary Winter, Forum Officer, Devon County Council

1. Apologies and welcome

The Chair welcomed members. Five members who had been reappointed for a further three-year term were congratulated: Tim Felton, Gordon Guest, Tino Savvas, Sarah Slade and Bryan Smith. The appointment of new members to the Forum by the Selection Panel was welcomed: Holly Daniels, James Nevitt, Tim Spray and Robert Sewell.

Apologies had been received from Andrew Baker, Holly Daniels, Jo Hooper and Tim Spray.

2. Declaration of interests

There were no declarations of interest.

3. To approve minutes of the meeting held on 18 January 2022

Minutes of the meeting held on 18 January 2022 were approved and signed.

4. Matters arising

4.1 DCAF Position Statements and vulnerable users

It was resolved to amend appropriate DCAF Position Statements to reflect the new Highway Code and vulnerable users, in accordance with the proposed revision.

4.2 Exe Estuary Management Plan

The Exe Estuary Management Plan had been revised and accepted by the Management Board. The land-based recreation section included many of the issues highlighted by the DCAF – lack of promotion of accessibility; poor integration with public transport; lack of disabled facilities; path furniture (kissing gates) is an issue; poor safety on on-road sections; and need to encourage responsible and considerate use. Key new policies included:

- PTA2: Encourage walking and cycling as a means of accessing and exploring the estuary (including health and well-being benefits) through improved information and signage, including promotion of accessibility of the Exe Estuary Trail for people of varied abilities, health condition groups and ages.
- PTA6: Promote and encourage greater access and the provision of facilities for less able users of the Exe Estuary Trail, for example, wheelchair accessible toilets, working with local businesses and authorities.
- PTA8: Achieve a balance of encouraging use and access, whilst promoting responsible and considerate behaviour on the trail and the importance of wildlife and the natural environment.
- PTA9: Work with relevant authorities to ensure that the trail, interpretation panels and furniture are maintained in a fit and safe condition, exploring opportunities of improvement when possible.

5. Election of Chair and Vice Chair

The Forum Officer took the Chair for the elections. Sarah Slade was re-elected as Chair, proposed by Cllr Linda Hellyer and seconded by Bryan Smith. Chris Cole was re-elected as Vice Chair, proposed by Gordon Guest and seconded by Bryan Smith. The Forum Officer paid tribute to their contribution, in particular the additional work by the Chair.

6. DCAF representation at meetings

The Chair reported she had attended the national Defra Stakeholder Working Group. At this meeting it was announced that the 2026 cut-off date would not be implemented. A further meeting would be held shortly to discuss the right to apply provisions in the Deregulation Act 2015.

7. Correspondence log

The Correspondence Log was noted. Discussion took place on the following items.

- Number 1
Appeal against the refusal of development at Pennsylvania Road. It was noted that the appeal had been dismissed with safe access for pedestrians and views from the bridleway being important considerations. The Forum's original response had arisen following communication from a member of the public.
- Number 22
The Forum had been asked to resubmit an earlier article on dogs to the Daily Wag, an East Devon District Council publication. Clarification had been sought from Natural England on the requirements for dogs on open access land and coastal access land. Members expressed concern about discrepancies in the law with dog owners not necessarily knowing the classification of land they were walking on. It was felt there was scope to align the law and redefine the rules, ideally speedily as dog ownership was increasing significantly and the England Coast Path was being rolled out. Whilst there was an issue over enforcement, having such laws was still felt important.

It was agreed to follow this up with Natural England.

Action: Chair and Forum Officer

- Number 9
The Forum observed that information given out to a member of the public had incorrectly stated that unclassified unsurfaced county roads were not maintainable at public expense and noted action taken by the Chair. Richard Walton, ProW Manager, had investigated and confirmed that it appeared to be an isolated incident. It had been done in error by the highways term maintenance contractor in response to an online report submitted via the website. He had contacted the people given the wrong information to correct the advice given and had liaised with the Customer Services Manager around system improvements to minimise the risk of similar errors in future. The road in question has been identified as needing of works, (as part of routine inspection) and is being scheduled for improvements this financial year.
 - Number 18
The Forum Officer would let members know the parish concerned.
- Action: Forum Officer*
- Number 7
Cllr Richard Chesterton advised that Mid Devon District Council's new Local Plan is likely to include a couple of country parks, one as part of the second phase of Cullompton Garden Village. The DCAF could be involved later in the process.

8. Public questions

There were no public questions.

9. Minutes of the Public Rights of Way Committee meeting held on 3 March 2022

The minutes of the Public Rights of Way Committee held on 3 March 2022 were noted.

The Chair had been contacted by one of the councillors in the context of the significance of agricultural land use and renewable energy production in the context of the current fragility of food production and energy markets following the Ukraine invasion. The PRow Committee minutes stated that it would have been beneficial if there had been greater mention of this at the AONB presentation made to the Devon Countryside Access Forum in September 2021. The Chair wished to minute that the AONB presentation was to the Forum and not comments made by DCAF members. The focus of the presentation had been on the Glover Review and potential new forms of support. The DCAF had a legal responsibility to consider all aspects, including land management.

10. Public Rights of Way update

Richard Walton, Public Rights of Way Manager, gave an update.

There had been difficulties recruiting for the Senior Officer post (Legal and Development), this being the second time of advertising. The number of applicants was very low and it had not been possible to shortlist. The role was being looked at, including on the basis of HR advice. A business case was being made for two additional senior roles as it was evident that there is a shortage of applicants with the relevant qualifications and experience for what is a complex role, plus there is a need to more effectively deliver land management responsibilities at the right level over and above usual public rights of way work, for example the Exe Estuary.

The part-time Technical Officer had retired, and this was being advertised as a full-time post, leading on GIS work and landowner statements and deposits. Interest from qualified people had already been expressed.

The January 2026 cut-off date (as set out in the Countryside and Rights of Way Act 2000) for claims made on historic evidence is likely to be repealed. Initial thoughts were that the date might be extended but the indication from Defra is that it will be removed altogether. This is unlikely to require a change in current work priorities; business will continue as usual on the Definitive Map Review, and there are numerous Definitive Map Modification Orders in the pipeline. Following the pandemic, parish meetings were now being held in person.

The Restoring Stover Park project had been reprofiled due to cost implications in relation to rising inflation. Priority would be placed on works with the most direct public benefit. Positive feedback had been received from a meeting with the National Lottery Heritage Fund officers and they were still willing, in principle, to allocate the same amount of money. Devon County Council's Cabinet had given approval for the bid to be submitted and this will take place at the end of May. It is hoped that the DCAF will still be happy to provide a letter in support of the bid.

The National Parks and AONBs in Devon had fed back comments on the Protected Landscapes consultation, as had Devon County Council. A suggestion had been

made about blanket Traffic Regulation Orders in the National Parks, but this had not been considered appropriate as motor vehicle use of unclassified, unsurfaced county roads and byways open to all traffic was not a particular problem on Dartmoor and Exmoor. Feedback had been made that there may be a role for local level powers to deal with specific issues.

Works were taking place on the England Coast Path at Torcross where contractors were on site to deal with cliff stabilisation works. Although the weather had been fine, high spring tides had caused some delays. At Croyde a causeway along a public footpath on the beach would be restored and negotiations were taking place with a second contractor after the first one withdrew. The timetable for works was being adjusted but there should still be time to complete in relation to grant funding.

Three potential bids were being submitted:

1. Signage between Kingswear and Lyme Regis
2. A South West Coast Path Association recommended project at Dyers Lookout in North Devon to install a zigzag path and deal with a gully and eroded stretch. A site meeting with the estate had been arranged.
3. A high tide route at Mothecombe.

In answer to a question about DCAF support for a change in budget to allow for the additional senior post, Richard Walton confirmed that there was strong internal support in relation to need but funding constraints could be an issue. DCAF support was probably not required at this stage. He agreed there were capacity issues currently and he was dealing with as much as possible, supported by other members of staff. Appointing soon to the new Technical Officer post would be helpful.

11. To note and approve responses to consultations and updates

11.1 Teignbridge Local Plan Review Part 3 (2020-2040) - Renewable Energy

The response was noted and approved.

11.2 Deep Lane junction A38 Cycle and Pedestrian Bridge

The response was noted and approved.

11.3 Lower Brenton Farm, Shillingford St George

The response agreed by DCAF members, following a site visit by the Chair, Jo Burgess and the Forum Officer, was noted and approved. The planning application was subsequently withdrawn.

11.4 Killerton Estate - 50 year vision

The response was noted and approved.

11.5 Landscapes Review - consultation on Government response

The response was noted and approved.

12. Current consultations

12.1 England Coast Path - Variation Report CMM VR 11 Down End, Croyde, North Devon

A formal report explaining the variation had been received from Natural England. Richard Walton, Public Rights of Way Manager, had walked the proposed route with the PRow warden. The route had excellent views but was steep on the southern section and so a zig zag path may be needed. The existing South West Coast Path route in this location follows public rights of way (footpath), and so the cliff top paths would still need to be maintained even if the National Trail follows the proposed higher route. Some government funding should be available for the National Trail but not for two routes. The proposed new alignment was not a route with a lot of infrastructure. The proposal would enable one landowner to create a better link to toilet facilities.

Lorna Sherriff, DCAF member and South West Coast Path Officer, said there were pros and cons. The new route would be away from the existing coast path but would offer an improved and safer road crossing. The path would be cut through existing gorse and therefore the surfacing and gradients needed to be correct.

It was noted that there will be additional spreading room seaward of the proposed variation which might be a consideration for landowners.

It was advised that rollback provisions would not apply to the cliff top path if the England Coast Path followed the proposed new alignment. If the existing footpath route had been followed up, this was likely to have had rollback applied to it. As highway authority, Devon County Council will still have a duty to protect the public footpath, but it may not be guaranteed in perpetuity.

It was agreed that signage should indicate the two routes available, albeit only one would have National Trail status.

Members were generally supportive of the proposed variation but it was finely balanced and comments would be made on the above points.

Action: Forum Officer to forward draft response to members before submitting to Natural England.

12.2 Drake's Trail extension - Devon County Council consultation

Members discussed the proposal and agreed that Route B appeared more

attractive, quieter and had particular benefits for recreational access users. It also removed the requirement to cross the busy A386.

Additional comments were made about potential issues with commoners and landowners in respect of Route B. Consideration needed to be given to the design of path furniture as airlock gates used elsewhere on the Drake's Trail impeded disabled access. As the route would be used by both commuters and recreational access users, the nature of the path surface was important to ensure it did not allow excessive cycling speed. It was not clear what the routing constraint was at the waterworks.

12.3 Tamara Landscape Partnership Scheme coast to coast walk - Tamar Valley AONB

The Tamara Trail coast to coast walk report was very comprehensive although members did not have geographical knowledge of it all. It was agreed it was a good initiative and should follow broad principles of attractiveness, safety, value for money, maintenance and good practice in terms of access.

It was noted there was a strong Cornish bias as the proposal had evolved from a Cornish trail, but several the partners operated exclusively in Devon or covered both counties. It would not receive Government funding, unlike the England Coast Path or South West Coast Path but, as a branded regional route, was likely to have a higher profile with greater input from volunteers and the opportunity to bid for grants.

It was suggested that route options should consider maintenance costs.

A higher Devon profile and focus and synergy between the two counties was likely to increase the potential numbers of people using the route.

It was agreed to submit the Disability Position Statement and request that discussions take place with businesses about wheelchair accessible toilets at the outset of the project.

The project was part of a wider five-year lottery funded scheme which included another nine projects. It was therefore a substantial overall programme of work. With the number of partners, public access could be improved in some areas, for example along parts of the disused Bude Canal. If access could be improved through landowner negotiation, the overall route would benefit.

It was noted that it was hoped to reinstate the ferry from Calstock. If this could be supported through the project the additional momentum could bring other benefits to the area.

The Chair summarised the discussion and it was agreed a response would be made.

Action: Forum Officer to forward draft to members.

12.4 Lower Otter Valley - variation of planning condition. East Devon District Council

Members agreed that the proposed variation to the planning condition would enable greater use of the path as it would be less subject to periodic flooding. There were, however, continued concerns over maintenance and cost implications.

It was noted that sheet piling associated with the FABlink project might not be long lasting due to the saline environment. The need to avoid prolonged disruption during construction of the path and the associated cabling work was raised.

The planning application referred to a path width of 1.5m. It was agreed that the project should seek to be more ambitious and widen this, if possible to 2m, as the paths in the Otter Valley were very popular. The Royal National Institute for the Blind recommended 1.7m for people with guide dogs.

Issues associated with access to the higher part of the valley, between White Bridge and Otterton, were mentioned and this would be raised although this was not directly relevant to the planning application area.

Action: Forum Officer to circulate draft response.

13. Devon Countryside Access Forum Annual Report

The draft annual report was noted and approved and would be published. The Chair wished to formally record thanks to the Forum Officer for her hard work.

14. Training Day

After a discussion around dates, it was agreed to hold a training day on Tuesday, 28 June, possibly with a focus on the Pebblebed Heaths or landowners.

Action: Chair and Forum Officer to discuss arrangements.

15. Work Plan

The Work Plan was noted and agreed, subject to adding a further point in the proactive work section on 'consistency of policy e.g. dogs'

16. Any other business

Planning application for car park works (Pebblebed Heaths)

A planning application for works on three car parks on the Pebblebed Heaths had been submitted but had been too late for the formal agenda. A paper had been circulated to members before the meeting.

Chris Cole, Tim Felton and Sarah Slade had previously attended a working group meeting on site when the original car parking strategy was developed in 2019. A response from the DCAF had been made at that point.

Members agreed that it was regrettable that the viewpoint parking at Estuary View car park would be restricted due to anti-social behaviour as this area gave elderly or disabled people, amongst others, the chance to enjoy far-reaching views.

It was noted there was no net increase in car parking spaces.

It was recognised as important that the proposed bunds did not impede mobility access to paths beyond the car parks.

The proposed barrier height of 2m in the car parks would restrict horse box access and it was agreed the DCAF should advise that provision should be made available somewhere on the heaths.

Action: Forum Officer to circulate draft response to members.

Disabled route cards

Gordon Guest had attended an Executive meeting of the Disabled Ramblers'. Following networking at the DCAF, Gordon Guest and Tino Savvas had worked with Richard Walton, then South-West Coast Path Officer, to develop route cards for accessible walks, with the project subsequently being progressed by Lorna Sherriff. This information had been presented at the Disabled Ramblers' AGM and was well received as no-one else in the country had done anything similar. The Disabled Ramblers' Executive would like to see this developed nationwide.

17. Date of next meeting

The next meeting would be on Monday, 19 September, venue to be confirmed.