



Devon Countryside Access Forum
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Sixty-Second meeting Devon Countryside Access Forum

**Westbank Community Health and Care, Farm House Rise,
Exminster EX6 8AT**

Thursday, 20 October 2022 at 2.00 pm

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. Apologies
2. Declaration of interests
3. To approve minutes of the meeting held on 25 April 2022 (Pages 1 - 10)
4. Matters arising
 - 4.1 DCAF Position Statements and vulnerable users
 - 4.2 DCAF training events
5. DCAF events and representation at meetings
 - 5.1 Dartmoor Way launch
 - 5.2 Lower Otter Restoration Project. Liaison group meeting.
 - 5.3 Parish Paths Partnership (P3) workshops

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

5.4 Other meetings

6. Correspondence log (Pages 11 - 16)
7. Public questions
8. Minutes of the Public Rights of Way Committee meeting held on 30 June 2022 (Pages 17 - 20)
9. Public Rights of Way update
10. Rights of Way Improvement Plan review
11. Riverside Valley Park, Exeter (Pages 21 - 22)

To consider report submitted by Gordon Guest and a response.

12. To note and approve responses to consultations and any feedback
 - 12.1 England Coast Path - Variation Report CMM VR 11 Down End, Croyde, North Devon. Natural England (Pages 23 - 26)
 - 12.2 Tamara Landscape Partnership Scheme coast to coast walk - Tamar Valley AONB (Pages 27 - 28)
 - 12.3 Drake's Trail. Clearbrook to Roborough multi-use trail consultation, Devon County Council (Pages 29 - 30)
 - 12.4 Lower Otter Valley - planning application 22/0804/VAR (Pages 31 - 32)
 - 12.5 Planning application 22/0711/FUL - Car park improvements at Estuary View, The Warren and Woodbury Castle (Pages 33 - 34)
 - 12.6 Clyst Valley Trail consultation, Devon County Council (Pages 35 - 38)
 - 12.7 Dog legislation (Pages 39 - 46)
 - 12.8 Review of statutory directions at Gittisham Hill. Natural England consultation (Pages 47 - 50)

To approve Devon Countryside Access Forum response and note decision made by Natural England.
 - 12.9 A379 bridge, near Matford, Devon County Council (Pages 51 - 54)

To note response and consider further comments following initial feedback from Devon County Council.

12.10 Walking, Cycling and Horse Riding Assessment (A382 between Newton Abbot and Drumbridges Junction) (Pages 55 - 58)

13. Current consultations

13.1 A38 corridor - Access Review. Dartmoor National Park Authority (Pages 59 - 60)

14. Any other business

14.1 Fire Beacon Hill, Sidmouth

15. Date of next meeting and proposed dates for meetings 2023/24

Next meeting – Tuesday, 31 January 2023

Proposed dates 2023/2024 - Monday, 24 April 2023, Monday, 18 September 2023 and Monday, 22 January 2024.

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 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.

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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.

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- 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.

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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.

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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.

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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.

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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.

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Devon Countryside Access Forum
CORRESPONDENCE RECEIVED AND RESPONSE
(not specifically on agenda)

Available to view on request subject to General Data Protection

	Sender	Subject	Action and any feedback
1	Member of public 9.04.22	Request for signage about litter and dog fouling and request for replacement stile, Dawlish.	Forwarded to Public Rights of Way warden.
2	Member of public 28.04.22	Concerning obstruction of bridleway and online reporting portal for public rights of way issues.	Forwarded to Public Rights of Way Manager
3	Network Rail 11.05.22	<p>The Town Gateway/Colonnade underpass in Dawlish is due to temporarily close next month for up to 12 weeks as Network Rail begins a key stage of its construction on the second section of the new, bigger sea wall that is being built to protect the coastal railway and town from storms and rising sea levels.</p> <p>Once complete it will link up with the first section of sea wall and mean residents and visitors alike will be able to walk along a wider and safer promenade from Boat Cove, south of Dawlish station, nearly a kilometre to Coastguard breakwater to the north before continuing uninterrupted to Dawlish Warren along the original sea wall. They will also enjoy step free access to the beaches and station.</p> <p>Accessibility remains a core focus of this project and a number of improvements have already been made at Dawlish station for passengers with reduced mobility. The platforms have been refurbished making it safer and easier for passengers to step onto and off trains, and the installation of tactile paving on the edge of the platforms will improve accessibility for people with a visual impairment.</p> <p>The design for the new fully accessible station footbridge with lifts has also now</p>	For information and to note improved promenade walk and accessibility improvements at Dawlish Station.

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		<p>received prior approval from Teignbridge District Council with work to start later this year and the footbridge expected to open in 2023.</p> <p>For more information about this project, please visit the Dawlish sea wall – section two webpages</p>	
4	<p>LIVE Economics Ltd 17.05.22</p>	<p>LIVE Economics Ltd and partners have been contracted by Natural England to work on the Green Infrastructure Framework.</p> <p>Survey link attached with request to forward to the planning department. The survey will enable Natural England to establish the current practice around Green Infrastructure in planning and decision making and shape the Framework into the future.</p>	<p>Forwarded survey to the Planning Officer and also to the Environment Officer in DCC responsible for Green Infrastructure.</p>
5	<p>Land Charges 25.05.22</p>	<p>Commons Act 2006 — Section Schedule 2. Waste land of a manor not registered as common land.</p> <p>Application has been made to the registration authority, Devon County Council, by the applicant Landman LLP on behalf of The Open Spaces Society under section Schedule 2(4) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.</p> <p>There is no specific name. It is 27 acres of land at Combe Martin.</p> <p>A summary of the effect of the application is as follows: the land was provisionally registered as common land under section 4 of the Commons Registration Act 1965; an objection was made in relation to the provisional registration; the person on whose application the provisional registration was made requested or agreed to its cancellation (whether before or after its referral to a Commons Commissioner).</p>	<p>For information.</p>

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		If the application is granted, in whole or in part, the registration authority will give effect to the determination by registering the land in the register of common land.	
6	<p>West Devon Borough Councillor 8.06.22</p> <p>County Councillor 04.07.22</p>	Progress on Tarka Trail connecting Meeth and Hatherleigh off-road.	<p>Contacted the Planning Officer, DCC, for up-to-date position. Response, forwarded to the borough councillor, was:</p> <p>“Phase 1 of an ecological report for the section Friars Hele (south of Meeth) was completed by WSP in 2021. The report aimed to verify the ecological baseline of surveys previously carried out and focuses on protected species issues.</p> <p>A botanical survey and further assessments are needed for WSP to complete Phase 2 of the Ancient Woodland assessment in line with National Planning Policy Framework and Natural England standing advice.</p> <p>This work is currently on hold until further notice as DCC is focussing its efforts on other areas in Devon (Knowle to Willingcott for example) where DCC has better prospects to deliver schemes.”</p> <p>County Councillor sent a copy of the Ancient Woodland report.</p>

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7	<p>Land Charges DCC 30.06.22 (amended notice)</p>	<p>Commons Act 2006 – Schedule 2 (6 & 7). Buildings registered as common land and other land registered as common land.</p> <p>Application has been made to the registration authority, Devon County Council, by the applicant Mr Bell under the above and in accordance with the Commons Registration (England) Regulations 2014.</p> <p>The land at Wooder Farm Widecombe-in-the-Moor is registered as common land in the commons register for the land in the Manor of Widecombe part Hemel Down and part Bonehill Down known as CL68.</p> <p>Summary of application (if granted): The land was provisionally registered under section 4 of the Commons Registration Act 1965, on the date of the provisional registration the land was covered by a building or was within the curtilage of a building, the provisional registration became final, since the date of provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building, the provisional registration of the land as common land was not referred to the Commons Commissioner under Section 5 of the Commons Registration Act 1965 immediately before its provisional registration, the land was not (i) subject to rights of common (ii) waste land of a manor (iii) a town or village green within the meaning of the Commons Registration Act 1965 Act as originally enacted or land of a description specified in section 11 of the Inclosure Act 1845.</p>	<p>For information. Within Dartmoor National Park.</p>
8	<p>East Devon District Council 30.06.22</p>	<p>Broadclyst Neighbourhood Plan has been submitted to East Devon District Council, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.</p>	<p>Comments made on the Reg. 14 consultation in January 2021.</p>

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9	National Trust Killerton 15.07.22	Response to email stating that the National Trust proposes to publish a summary document of the Killerton Spatial Plan in the early Autumn. (Consultation on the Plan took place earlier).	For information. DCAF members to be advised when the document is published.
10	Torrige District Council 27.07.22	Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) Notice is given, in accordance with the stated Regulations that North Devon Council and Torrige District Council adopted an Affordable Housing Supplementary Planning Document (SPD) and joint Statement of Community Involvement (SCI) on 15 July 2022.	For information.
11	Land Charges DCC 28.07.22	Application has been made to the registration authority, Devon County Council, by the applicant Landman LLP on behalf of The Open Spaces Society under section Schedule 2(4) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014. The application relates to CL222. Part of Blackdown Common. The land abuts CL193 and CL194 areas located on the east side of the A386 between Lydford and Mary Tavy. A summary of the effect of the application is as follows: the land is waste land of manor, the land was provisionally registered as common land under section 4 of the 1965 Act, an objection was made in relation to the provisional registration; the person on whose application the provisional registration was made requested or agreed to its cancellation (whether before or after its referral to a Commons Commissioner). If the application is granted, in whole or in part, the registration authority will give effect to the determination by adding the land to the register of common land.	For information. Within Dartmoor National Park.

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12	NP Planning Officer South Hams District Council / West Devon Borough Council 3.08.22	Totnes Neighbourhood Plan South Hams District Council gives notice of a public hearing relating to the Totnes Neighbourhood plan submitted for examination under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 (as amended). A copy of the submitted neighbourhood plan is available via the following link: https://www.neighbourhoodplanning.swdevon.gov.uk/totnes The independent examiner of the Totnes Neighbourhood Development Plan, Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD, having read the plan, supporting documents and representations, has considered it is necessary to call a Hearing under the provisions of Schedule 4B of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.	For information.
13	Forestry Consultation team Soil Association 09.08.22	Forest Management carried out by Forestry England (SA-FM/COC-006972 / SA-PEFC-FM-006972) In October 2022 the Soil Association will carry out a Forest Stewardship Council® (FSC®) & The Programme for the Endorsement of Forest Certification (PEFC™) assessment of forest management by Forestry England in the United Kingdom. They will be assessed against the requirements of the UK Woodland Assurance Standard (UKWAS) - V 4.0.	The DCAF responded to a similar survey in 2021 and received feedback on its comments.
14	Member of public 23.08.22	Concern about specific use of electric fencing on common land and lack of warning signs.	Referred to Public Rights of Way warden to assess.

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, available on the website www.devon.gov.uk/dcaf or forwarded direct.

PUBLIC RIGHTS OF WAY COMMITTEE

30 June 2022

Present:-

Councillors L Hellyer (Chair), D Barnes, J Bradford, J Brook, I Chubb and D Thomas

Apologies:-

Councillors R Chesterton and D Sellis

Members attending in accordance with Standing Orders 8 and 25

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Minutes

RESOLVED that the minutes of the meeting held on 10 March 2022 be signed as a correct record.

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Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

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Devon Countryside Access Forum

The Committee received and noted the draft minutes of the Devon Countryside Access Forum meeting held on 25 April 2022.

Reference was made to the January 2026 cut-off date (as set out in the Countryside and Rights of Way Act 2000) for claims made on historic evidence which was likely to be repealed. Concerns were raised that this could lead to an increase in work and could lead to delays on the Definitive Map Review. However, the Public Rights of Way and Country Parks Manager assured members that this would likely have little impact on priorities and work would continue on the Devon map review. The Committee agreed to note this point.

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Parish Review: Definitive Map Review - Parishes of Bradford & Cookbury

The Committee considered the report regarding a footpath as part of the Definitive Map Review in Bradford and Cookbury.

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

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PUBLIC RIGHTS OF WAY COMMITTEE

30/06/22

RESOLVED that no Modification Order be made to modify the Definitive Map and Statement by upgrading Footpath No. 1, Bradford, to a bridleway between points A – B – C – D – E – F – G – H, as shown on drawing number HCW/PROW/20/37.

* **31** **Schedule 14 Application: Parish of Newton Poppleford & Harford**

The Committee considered a report of the Director of Climate Change, Environment and Transport regarding a claimed footpath known as Moor Lane, Southerton, between county road Lynch Head and Footpath No. 17, points A-B on the proposal map HIW/PROW/22/08.

The application included 30 user evidence forms and the route appeared to have been well-used historically.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Hellyer and **RESOLVED** that a Modification Order be made in respect of the proposal for a footpath between the county road at Lynch Head and Footpath No. 17.

* **32** **Schedule 14 Application: Parish of Colyton**

The Committee considered a report of the Director of Climate Change, Environment and Transport regarding a proposal about a claimed footpath between Whitwell Lane and Holyford Lane, Colyton, points A-B on the proposal map HIW/PROW/22/10.

The recommendation was for an order to be made to record a footpath in respect of the application. This was based on assessment of the evidence.

There was debate, discussion and questions regarding historic use of the footpath and related signage at different points in time. Some of the strongest user evidence was from the 1950s to 1980s but there was also information regarding more recent permissive signage.

The proposal was **MOVED** by Councillor Hellyer, **SECONDED** by Councillor Bradford with two votes for and three against.

It was **RESOLVED** that no Modification Order be made in respect of the proposal for a Footpath between Whitwell Lane and Holyford Lane, Colyton.

* **33** **Schedule 14 Application: Parishes of Loddiswell and Aveton Gifford**

(The following people attended the meeting under the Council's Public Participation Scheme: Mrs Wilson, the applicant who spoke in support of the application and Mrs Savary and Mr Hurt, spoke against the application)

The Committee considered a report of the Director of Climate Change, Environment and Transport regarding an application for a footpath starting at point A on plan no. HIW/PROW/22/28 on the county road east of Langland

Bridge and continuing in a north westerly direction along Stanton Lane, past Stanton Court and Stanton Cottage to the brook by Higher Stanton Coppice, continuing south west through the trees the parish boundary with Aveton Gifford and continues west thorough pasture to join Footpath No.16 at point F.

Points A - B and points B - C on the plan are public highways and so it is points C – F to which consideration of a public footpath applied.

The report concluded that in the absence of user evidence, it cannot be shown that there has been use as of right. The documentary evidence is considered insufficient to show that there had been express or implied dedication by any landowner or any acceptance by the public of the claimed route as a public footpath. It was therefore recommended that no modification be made.

It was **MOVED** by Councillor Barnes and **SECONDED** by Councillor Thomas and **RESOLVED** that no Modification Order be made to modify the Definitive Map and Statement by the addition of a public footpath continuing from Stanton Lane to Footpath No.16, Aveton Gifford as marked C - D - E - F on drawing number HIW/PROW/22/28.

* **34** **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee noted the report of the Director of Climate Change, Environment and Transport (CET/22/19) on decisions received from the Secretary of State.

* **35** **Public Path Diversion and Definitive Map Modification Orders**

The Committee noted the report of the Director of Climate Change, Environment and Transport (CET/22/20) on Public Path Diversion and Definitive Map Modification Orders that has been confirmed as unopposed under delegated powers.

* **36** **Public Path Orders**

The Committee noted the report of the Director of Climate Change, Environment and Transport (CET/22/21) on Public Path Orders that had been made and confirmed under delegated powers.

37 **Dates of Future Meetings**

The Committee noted the dates for future meetings of 3 November 2022 and 9 March 2023.

NOTES:

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4

PUBLIC RIGHTS OF WAY COMMITTEE

30/06/22

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 3.05 pm

Riverside Valley Park, Exeter

The Devon Countryside Access Forum visited some of Exeter's valley parks, managed by Devon Wildlife Trust, on its Training Day in 2021.

Gordon Guest, DCAF member recently re-visited Riverside Valley Park and made the following observations on disability access. There have been some improvements to path furniture. Other locations were identified where changes would be desirable.



Photo 1. New gates in Riverside Valley Park, Exeter near Salmonpool swing bridge over the canal.

On one side there is a standard kissing gate for pedestrians.

On the other side there is a double airlock gate. Each gate has 2-way hinges, easy latch catch, and long handles. This airlock system is good for parents with prams, cyclists, and mobility scooters.



Photo 2. Centrewire easy latch system which is good for mobility scooter users.

Photo 3. Airlock system. The box is scooter accessible and not too narrow.



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Photo 4. On footpath through fields with cattle from Salmonpool gate bridge to the next gate.

This is a standard kissing gate not big enough for scooters. It would be helpful to know whether there are intentions to change this gate and the one shown in Photo 5, below.



Photo 5. End gate at Countess Wear car park near Bridge Road.

It is impossible to get a scooter through this gate.



Photo 6. End gate at Countess Wear car park. No mobility scooter access.

It would be useful to know whether it was decided to exclude additional gates to ensure that cattle cannot get out onto Bridge Road.

Example of a modified kissing gate at Dawlish Warren Nature Reserve. The box is made longer and wider so you can reverse mobility scooter in, swing the gate and drive out the other side. This works well but is not as good as the double gates above.



**Devon Countryside Access Forum response
England Coast Path - Variation Report CMM VR 11 Down End, Croyde,
North Devon. Natural England.**

FORM FOR MAKING REPRESENTATIONS ABOUT A COASTAL ACCESS VARIATION REPORT	
<p>Any person may make a representation about a coastal access variation report.</p> <p>This form should be completed if you wish to make a representation about the coastal access variation report which Natural England submitted to the Secretary of State for Environment, Food and Rural Affairs on 3 March 2022 under section 55(1) of the National Parks and Access to the Countryside Act 1949. The report relates to coastal access at Down End, Croyde, Devon.</p> <p>It proposes variations to the proposals for these sections of coast that were approved by the Secretary of State on 13 January 2021 pursuant to his duty under section 296(1) of the Marine and Coastal Access Act 2009, as part of Natural England's original report proposals for the stretch known as Combe Martin to Marsland Mouth.</p> <p>Any representations about this variation report must be made on this form and received by Natural England no later than 23:59 hrs 28 April 2022. If you require more space for your comments, please continue on a separate sheet.</p>	
<p>1. Please state the variation location and map number to which the representation(s) relate(s) - see notes:</p>	
<p>Variation Report CMM VR 11 Down End, Croyde, North Devon (CMM 1324)</p>	
<p>2. If the representation(s) relate to specific land on the map(s), please describe the land here:</p>	
<p>3. Please tick the appropriate box below to show who is making the representation(s), or on whose behalf you are making the representation(s):</p>	
An access authority for an area in which land to which the report relates is situated	<input type="checkbox"/>
A local access forum for an area in which land to which the report relates is situated	<input checked="" type="checkbox"/>
The Historic Buildings and Monuments Commission for England (English Heritage)	<input type="checkbox"/>
The Environment Agency	<input type="checkbox"/>
A person specified in Schedule 1 to the Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010 (S.I. 2010/1976)	<input type="checkbox"/>
Other (please give details):	<input type="checkbox"/>
4. If you have ticked the "other" box above, please also indicate if you are a person with a relevant interest (within the meaning of section 55J(2) of the National Parks and Access to the Countryside Act 1949 ^(a)) in land to which the report relates	<input type="checkbox"/>
<p>5. Please give details of, and the reasons for, the representation(s) you are making about Natural England's report:</p>	
<p>The Devon Countryside Access Forum generally supports the proposed variation. It will provide good views of the sea, although away from the coast, and will include a safer road crossing than the route originally proposed. The improved access to facilities is welcome. However, it is a finely balanced decision for the following reasons.</p>	

Agenda Item 12.1

1. The southern part of the route may need reconsideration to overcome steepness issues and ensure it is easy to negotiate.
2. Cutting a path through gorse/bramble scrub could result in the path becoming muddy and therefore the gradient and surfacing of the path is important.
3. The proposed route is some distance from the sea, and therefore roll-back is not applicable. Georgeham Footpaths 18, 62 and 75, which do adhere to the coast, would still be available and could provide the requisite proximity to the coast. However, under these proposals they will no longer form part of the England Coast Path. Potentially this means that Georgeham Footpaths 18, 62 and 75, largely used as part of the original England Coast Path route, could be lost to the sea through erosion and there would be no mechanism to roll-back and reinstate them.
4. The Forum recognises the benefits of having both the footpath route near the coast and the proposed inland route but is aware there will be increased maintenance costs overall as a result.
5. It is noted that all land seaward of the trail would become part of the coastal margin, other than excepted land, and would include the fields below Croyde Road (Down End) and the slopes above Oyster Falls. Even if parts are not readily accessible, this may be a concern for landowners.

The Devon Countryside Access Forum would encourage the use of accessible path furniture in assessing the capital costs to ensure that as much as possible of this scenic route is open to all users. Signage to indicate both routes would be welcome.

6. Please list below any documents or evidence you have included in support of the representation(s):

7. Have you made any other representations about the report?

Yes

No

8. If you are a person with a relevant interest in land to which the report relates, have you made any objection(s) which relate(s) to that land?

Yes

No

9. Please complete your details below:

Name:

Hilary Winter, Forum Officer

Organisation/company (if appropriate):

Devon Countryside Access Forum

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 Natural England.

The DCAF currently has nineteen 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.
Address (including post code):	c/o Public Rights of Way team Great Moor House Bittern Road Sowton Exeter EX2 7NL
Telephone:	07837 171000
E-mail:	hilary.winter@devon.gov.uk
Date:	28 April 2022
10. The completed form should be sent to Natural England at: southwestcoastalaccess@naturalengland.org.uk	
(a) Section 55J(2) provides that a person has a relevant interest in land if the person is the owner of the land, holds a term of years absolute in the land, or is in lawful occupation of the land.	



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Mr M Owen
Countryside Recreation Services
c/o Tamar Valley AONB
Tamar Valley Centre,
Drakewalls,
Gunnislake,
Cornwall
PL18 9FE

29 April 2022

Dear Mark

Proposal to create the Tamara Coast to Coast walking route

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 county and district councils and Areas of Outstanding Natural Beauty.

The DCAF currently has nineteen 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.

Devon Countryside Access Forum members discussed the proposed project at the meeting held on 25 April.

The Devon Countryside Access Forum welcomes the initiative for a coast to coast walk and the proposals included in the comprehensive consultation paper.

The Devon Countryside Access Forum agrees that the principles included in the report are sound. Value for money, maintenance consistency and considerations and attractiveness are key issues in securing a good, useable route.

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 12.2

The Forum notes that the overall Tamara Landscape Partnership includes a number of key partners that have or include a Devon focus, for example Devon County Council; the Environment Agency; Devon and Cornwall Rail Partnership; the Environment Agency; Farming and Wildlife Advisory Group; the Forestry Commission; Historic England; Natural England; National Trust; South West Coast Path Association; Visit Tamar Valley; the Westcountry Rivers Trust and the Woodland Trust and, of course, the Tamar Valley AONB itself. This suggests that although the project has evolved with a strong Cornish identity, it should also include a greater synergy and identity with Devon to increase usage and marketing/ promotional strength.

Working closely with those partners could also serve to improve overall access through negotiation with landowners.

Where routes are dependent on permissive access, we expect account to be taken of the landowner's wishes in this respect, and similarly, that if improvements are sought, that they should be done both in consultation and with the agreement of the landowners involved.

The Forum's position statement on disability access is attached. It is important that the new trail improves access for those with disabilities wherever possible, in considering routes, any surface improvements and path furniture. The Forum also advises that discussions should take place with businesses such as cafes and pubs at the outset to encourage the provision of wheelchair accessible toilets, often a limiting factor for disabled users.

The importance of regular, all-year round ferries was much to the fore in Forum discussions around the England Coast Path. If the Calstock ferry could be reinstated as part of the overall scheme, it is likely that the momentum of the project will bring economic and other benefits to the area.

The Devon Countryside Access Forum would welcome updates on the walking route and would be pleased to give additional comments as the scheme develops.

Yours sincerely



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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Transportation Planning
County Hall
Topsham Road
Exeter
EX2 2QD

5 May 2022

Dear Sir/Madam

Clearbrook to Roborough multi-use trail

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 county councils.

The DCAF currently has nineteen 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.

Devon Countryside Access Forum members discussed the proposed project at the meeting held on 25 April.

The Devon Countryside Access Forum would support Route B as this appears to be a more attractive route with several benefits. It is a pleasanter, quieter route, away from the A386, and avoids the need to cross this busy main road.

The Forum acknowledges that there will be some issues for commoners and other landowners and trusts that close liaison will take place to address concerns.

This extension will be used by both recreational users (walkers, dog walkers, mobility scooter/wheelchair users and cyclists) and commuters and thought therefore needs to

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Agenda Item 12.3

be given to appropriate surfacing that facilitates use yet reduces cyclists travelling at high speed.

Forum members are aware that airlock gates used further north on the Drake's Trail, near Clearbrook, impeded use by disabled users and could result in someone getting stuck between the sets of gates. The Forum advises that any path furniture on the new route should be fully accessible.

The Devon Countryside Access Forum would welcome feedback and updates on the development of this project.

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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Planning Team
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

5 May 2022

Dear Sir/Madam

Lower Otter Valley – planning application 22/0804/VAR

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 and the Environment Agency.

The DCAF currently has nineteen 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.

Devon Countryside Access Forum members discussed the proposed project at the meeting held on 25 April.

Budleigh Salterton footpath 12 and East Budleigh footpath 3 are very popular footpaths in the Lower Otter Valley. The application states that the variation to the planning condition, raising the height of the footpaths, will reduce the tendency to flooding from an estimated 300 occasions per year to 20 occasions per year. This will significantly improve accessibility, particularly when accompanied by improved surfacing, path levelling and increased width.

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 Devon Countryside Access Forum notes that it is only proposed to establish a path width of 1.5m. The proposed improvement works provide an opportunity to be more ambitious by increasing this to at least 2m. The paths are very heavily used and likely to become more so, especially with the increase in dog ownership. Increasing the width to its maximum, rather than reducing to the minimum, would also help disabled users walking with others. For example, the Royal National Institute for the Blind recommends a minimum width of 1.5m for an adult with a guide dog. Allowing people to pass each other more easily would be beneficial.

The Devon Countryside Access Forum would like to register some concerns about the life of the sheet piling in a saline environment, and ongoing maintenance costs and work resulting from residual silt and mud and erosion on the path.

The Forum recognises that environmental permissions and constraints may change in the future, and this may affect the ability to maintain, repair or replace the engineered section of path. Ensuring that the proposed works have an extended lifespan would help mitigate these concerns. The proposals should explain how this would be achieved.

It is hoped that both the Lower Otter Restoration Project and the FAB project can be completed within the existing closure period of this footpath (to May 2023) to minimise further disruption and lack of access.

While not directly relevant to this planning application, the Devon Countryside Access Forum would encourage the Lower Otter Restoration Project to improve accessibility for mobility scooters/wheelchair users by removing or installing appropriate accessible path furniture on paths going north towards Otterton.

The Devon Countryside Access Forum would welcome feedback and updates on the development of this project.

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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Planning Team
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

5 May 2022

Dear Sir/Madam

Planning application 22/0711/FUL
Car park improvements at Estuary View, The Warren and Woodbury Castle

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, Natural England and Areas of Outstanding Natural Beauty.

The DCAF currently has nineteen 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.

Devon Countryside Access Forum members discussed the proposed car park improvements at the meeting held on 25 April.

The Devon Countryside Access Forum appreciates the surfacing improvements that will encourage more people to park in the formal car parks. However, given the number of new housing developments in the wider area, increasing dog ownership and greater use of the Pebblebed Heaths it is noted that there is no appreciable net increase in car parking spaces. Across the three car parks there are only two additional spaces. This

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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may need to be kept under review. The provision of dedicated disabled spaces is welcome.

The Forum notes that bunds will be erected on the edge of some car parks to maintain car park boundaries. The Forum advises that it is vital that there are gaps in the bunds to access heathland paths to ensure mobility access is not impeded.

While welcoming the all-ability access path at the Estuary View car park, it is disappointing that the viewpoint parking zone will be limited and opening managed by the Pebblebed Heaths Land Management team. This car park currently provides an enjoyable scenic experience/picnic area for many people, particularly the elderly and those with limited mobility.

As previously mentioned, the use of height barriers may restrict adapted vehicles used by some people with a disability. Height barriers may also restrict horse box use and it is therefore important that provision for horses is made within one of the car parks.

The Devon Countryside Access Forum would welcome feedback and updates on the development of this project.

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 L Holloway
Senior Transport Planning Officer
Transport Planning
Devon County Council
Matford Offices
County Hall
Topsham Road
Exeter EX2 4QD

8 June 2022

Dear Ms Holloway

Clyst Valley Trail 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 county and district councils, Natural England and the Environment Agency

The DCAF currently has nineteen 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.

A small group of Devon Countryside Access Forum members visited locations associated with the Clyst Valley Trail proposals on 23 May. Discussions on site informed this response which has been circulated and agreed by the Forum. The response will be on the agenda for formal approval at the next meeting on 19 September.

The Forum has several general and site-specific comments which need to be taken into account in considering the route and more detailed design criteria.

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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General comments

- Obtaining landowner consent to the trail and accommodating land management requirements is critical.
- The information refers to “a recreational trail for walkers, cyclists, mobility scooters and, where feasible, horse riders.” The design needs to reflect this laudable aspiration. A tarmac surface is less appealing for recreational access users and in particular horse riders. Furthermore, a tarmac surface is visually highly intrusive in the landscape and the Forum advises that a softer appearance is much more desirable, for example compacted bound stone. This would also reduce cycling speed which can be an issue on some trails.
- Additional detail is required on how the route fulfils multi-use objectives and not just commuting by experienced cyclists.
- Bridges, boardwalks and similar structures will need to be designed for all users, including horse riders, and the height and ramped sections are likely to more intrusive than in the past due to Environment Agency stipulations.
- Any path furniture, for example gates to meet land management requirements, will need to be fully accessible to meet disability needs and those of horse-riders. The Devon Countryside Access Forum’s Disability Access position statement is attached for information.
- Future design should consider the increasing size and width of mobility scooters that are coming on the market. Changes to existing Government regulations may need to be kept under review. Mobility scooters are not permitted to go on cycle paths marked ‘cycle only’. Scooters currently have width and weight restrictions. [Mobility scooters and powered wheelchairs: the rules: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/mobility-scooters-and-powered-wheelchairs-the-rules-overview)
- The design of crossings is critically important to ensure safety and perceptions of the trail. There will need to be sufficient time to cross, possibly facilitated by countdown timers. This would be particularly helpful for family groups or inexperienced cyclists and mobility scooter users.
- As the trail is part of the Clyst Valley ‘Regional Park’, the proposals should extend wider and have the vision to include environmental improvements and areas of accessible green space alongside the trail so that it has a country park feel like the Grand Western Canal. This will also encourage people to use the trail for recreation, helping to meet legal requirements imposed on the South East Devon Habitat Regulations Executive Committee to protect the internationally recognised sites of the Exe Estuary, the Pebblebed Heaths and Dawlish Warren from recreation pressure. If the emphasis of the trail is on commuting – invaluable though this is in reducing the carbon footprint – it will not achieve this wider ambition.
- There is a lack of clarity about widths and exactly where the additional grass verge of 2 metres will be put in place. While the grass verge is welcome, consideration needs to be given to the cost of maintaining this on a regular basis so that it can be used as an extension of the trail width.
- Although there are no linking bridleways, the Trail would provide opportunities for horse riders in the area to have new and valued access to off-road routes and quiet lanes provided traffic is appropriately managed.

- The proposal, especially the Clyst St Mary to Topsham section, is likely to incur very high maintenance costs and it would be helpful to clarify how the ongoing maintenance costs are being planned and budgeted for.
- It is disappointing that the trail vision was not incorporated in development plan proposals affecting the area east of Exeter and inbuilt from the outset.
- From the information provided, it is not entirely clear how the trail will link further north to Killerton and Ashclyst Forest.
- As part of overall budgets for the trail, it would be very helpful to include the appointment of a ranger to liaise with landowners and help to educate users about responsible use of the trail and the Countryside Code. This role could cover the Exe Estuary trail too.
- The trail should be clearly signed with occasional information boards where there are points of interest or to provide information on the trail and using it safely and responsibly.
- The online response form is not helpful as the questions refer mainly to route proposals and not more specific details such as surfacing. It would also have been useful if the maps had included public rights of way so that people could see the overall picture.

Site specific comments

Map 1

1. The Forum recognises that increased use of Mosshayne Lane, a private road, could lead to conflict with land management. The proposed diversion should reduce that. The diversion would require a legal application for an upgrade to bridleway status to permit cycling and horse use.
2. The Forum is disappointed that identified development land at West Clyst and Mosshayne has not included routes for this trail as part of the planning conditions for these sites. One option for the trail would be to proceed south, keeping west of the motorway and crossing under the motorway to join the existing cycle route along Tithebarn Lane.
3. The southern section of Mosshayne Lane (highway maintainable at public expense) is very narrow. Consideration needs to be given to reducing potential conflict with motor vehicles.
4. Comments about incorporating green space apply to this section, for example the areas closest to the railway line and woodland. The route will need to be sufficiently attractive to encourage people to use the diverted route instead of Mosshayne Lane.

Map 2

1. There did not appear to be easy options to divert the trail away from the farmyard. The proposed small diversion of the existing right of way is sub-optimal as it crosses water drains twice and these will need to be bridged by intrusive structures to ensure safe passage by all users and avoid flooding.
2. The existing footpath (Sowton FP3) currently provides a pleasant countryside walk through to Bishop's Clyst. A surfaced tarmac trail, whilst more usable by commuting cyclists, will impact on enjoyment and the visual appearance of that part of the Clyst Valley. A compacted, bound stone surface would be preferable.

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Map 3

1. The Forum has serious concerns about the proposals for this section. The crossing at Winslade Park is deemed to be unsuitable without very significant investment in road design. There is insufficient space in the middle of the road for users to wait. If the trail is multi-use, the crossing should be a Pegasus Crossing and not a Toucan Crossing with a holding area or separated space for horses away from other users. Given the volume of traffic at this point from both directions, and an increasing quantity of traffic likely to emerge from the planned Winslade Park development, this is a dangerous crossing point. It is also likely to increase traffic congestion if additional signalling systems are introduced for non-motorised users.
2. The proposed route runs through the Clyst Valley following an undulating and windy route. The section of boardwalk to the north is at high risk of flooding and will be subject to increasingly high maintenance costs. Ensuring the entirety of the route is resilient for the future will be a high cost.
3. The Forum is of the opinion that the cycling options from Topsham to Exeter are well-provided for. There is the opportunity to take the route on the other side of the A376, thereby linking Clyst St Mary to the Exe Estuary trail through Clyst St George. This would avoid crossing at Winslade Park and would be a much cheaper option than the route across the floodplain. The Forum recommends that an alternative route through Bishop's Clyst, crossing the main Sidmouth Road into Church Lane is thoroughly investigated. This would link to an existing footpath (Clyst St Mary FP2). Minor roads lead to Clyst St George and a Pegasus Crossing could be put in place at this point, potentially going onward through the Fire Services site. This could pick up additional users from Woodbury and Woodbury Salterton. Where opportunities exist to create more off-road sections these should be explored.
4. It is likely there are more horse riders to the east of the A376 than along the Clyst valley and in the Topsham area. The British Horse Society will have information on the number of riders.

The Devon Countryside Access Forum strongly advises that consultation takes place on a revised scheme with additional information on surfacing and other design elements, such as traffic calming on on-road sections, before proceeding to Cabinet and the planning application stage.

The Forum would appreciate feedback on its comments.

Yours sincerely



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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Countryside Code Team
Natural England
County Hall
Spetchley Road
Worcester WR5 2NP

10 August 2022

Dear Sir/Madam

Dog control and advice

The Devon Countryside Access Forum met on 25 April 2022. One of the items discussed was Natural England's response (11.04.22) to an earlier email requesting clarity on dog control matters on different types of land.

Members agreed that it was an ideal opportunity to amend or improve messages so that members of the public have a much clearer understanding of their responsibilities. Dog ownership and recreational access to the countryside and green space are increasing, the Countryside Code has been published and the England Coast Path is nearing completion. The Forum acknowledges that dog walking is very important to the health and wellbeing of their owners and areas where dogs can be walked off-lead are much valued. Hence the request is for increased clarity where there are restrictions on dogs.

Many members of the public do not understand the subtle distinctions between different types of land and the varying dog legislation that results. For example, someone may be walking their dog on an area of open access land that leads within a short distance to coastal margin. Their perception may be that the land is very similar yet on open access they are supposed to keep their dog on a short lead (2 metres) between 1st March and 31st July yet on coastal margin only under effective control. If the aim is to protect ground nesting birds, then these would also be in evidence in the coastal margin where no on-lead ruling applies. Similarly around livestock, the phraseology under open access refers to a short lead at all times, under coastal margin to effective control, and under the Countryside Code to it being good practice wherever you are to keep your dog

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on a lead around livestock. The Countryside Code does not refer to lead length on open access land which is stated elsewhere on a different Government website [Open access land and the coastal margin: how to restrict public access - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/open-access-land-and-the-coastal-margin-how-to-restrict-public-access) Likewise, this website refers to dogs being under effective control near livestock in the coastal margin whereas the Countryside Code states “on Open Access land and **at the coast**, you must put your dog on a lead around livestock.” The Devon Countryside Access Forum advises that it would be very helpful for the information to be aligned and clearly laid out on all appropriate websites.

The situation is confused still further by an additional level of dog control orders (under Public Spaces Protection Orders) laid down by district, borough or city councils. These may refer to a lead length requirement and a dogs on leads by direction order whereby an authorised officer or Police Officer can ask for a dog to be put on a lead to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance. However, there is no consistency across council areas so, for example, in one authority, Teignbridge, the PSPO states “ Keep your dog on a fixed lead (which includes a fixed extendable lead), of no more than 1 metre in length, when on or adjacent to the public highway, a footway, footpath or cycle track.” yet another authority, West Devon, does not specify a lead length and adds additional areas where a lead is required. For details of just some of the council PSPOs in Devon see the attached appendix. There is also a lack of consistency governing the number of dogs that can be walked and categories of people or dog users exempt from the orders.

Areas of coastal margin under the England Coast Path extend to beaches. Here again, there are a number of Public Spaces Protection Orders which may restrict dogs at differing times of day or by season at certain beaches.

Members of the public are not generally aware when they have walked from one area of land to another, or from one council area to another. It is not surprising, given the variation in legislation, that dog owners are confused – despite the majority having the best intentions to act responsibly.

The Devon Countryside Access Forum would urge Natural England to seek some clarity and consistency in this important area so that wildlife, livestock and people are protected, and dog owners and dog walkers are clear about their responsibilities and can enjoy the countryside and green space. Ideally, messages should be clear, simple and visual and applicable in a consistent way across the country.

The Devon Countryside Access Forum would be willing to work with Natural England to help it improve messages.

The Devon Countryside Access Forum would appreciate 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*

Dogs on leads. The legal situation on different types of land and by district areas in Devon.

Type of land	Bird nesting season	Other times	Around livestock (& grouse moors)	Elsewhere
Open access	1 March – 31 July – 2m lead length.	No restriction.	At all times. Short lead. 2m unclear from the website. Landowners or farm tenants can exclude people with dogs from a field of up to 15 hectares used for lambing for one period of up to 6 weeks each calendar year. Landowners can exclude people with dogs from land managed as a grouse moor for up to 5 years at a time, except along public rights of way.	
Coastal margin	No restriction (effective control).	No restriction (effective control).	At all times. Under effective control. Open access land and the coastal margin: how to restrict public access - GOV.UK (www.gov.uk)	
Countryside Code	On Open Access land and at the coast, you must put your dog on a lead around livestock. Between 1 March and 31 July, you must have your dog on a lead on Open Access land, even if there is no livestock on the land.	Keep your dog under effective control to make sure it stays away from wildlife, livestock, horses and other people unless invited. You should: <ul style="list-style-type: none"> • always keep your dog on a lead or in sight • be confident your dog will return on command • make sure your dog does not stray from the path or area 	It is good practice wherever you are to keep your dog on a lead around livestock.	Keep your dog under effective control to make sure it stays away from wildlife, livestock, horses and other people unless invited. You should: <ul style="list-style-type: none"> • always keep your dog on a lead or in sight • be confident your dog will return on command • make sure your dog does not stray from the path or area where you have right of access

		<p>where you have right of access</p> <p>Always check local signs as there are situations when you must keep your dog on a lead for all or part of the year. Local areas may also ban dogs completely, except for assistance dogs. Signs will tell you about these local restrictions.</p>		<p>Always check local signs as there are situations when you must keep your dog on a lead for all or part of the year. Local areas may also ban dogs completely, except for assistance dogs. Signs will tell you about these local restrictions.</p>
<p>Dartmoor National Park (outside access land)</p>	<p>Request to put dog on a lead during the lambing and ground nesting bird season 1 March – 31 July. No lead length specified. (Lead length part of the current Bylaw review being carried out by the National Park and, if approved, will bring in line with 2m length for open access land).</p>	<p>Not specified.</p>	<p>Request to put dog on a lead at all times when near or around livestock. No lead length specified.</p>	<p>Not specified.</p>
<p>East Devon Public Spaces Protection Order (PSPO)</p>	<p>May be lead by direction by authorised officer or Police Officer if worrying or disturbance to any animal or bird.</p>	<p>May be lead by direction by authorised officer or Police Officer if worrying or disturbance to any animal or bird.</p>	<p>May be lead by direction by authorised officer or Police Officer if worrying or disturbance to any animal or bird.</p>	<p>1m lead length on any road and pavement. Dogs on lead areas (no lead length specified) for some specified playing fields, car parks and footpaths. Not all of such areas.</p>
<p>Exeter Dog Control Order</p>	<p>An authorised officer of the Authority may only give this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or</p>	<p>Putting/keeping a dog on a lead when directed to do so by an authorised officer</p>	<p>Putting/keeping a dog on a lead when directed to do so by an authorised officer</p>	<p>Dog on a lead on roads, pavements, footpaths and designated parks</p>

	<p>behaviour by the dog likely to cause annoyance or disturbance to any other person (on any land to which this Order applies) or the worrying or disturbance of any animal or bird.</p> <p>Putting/keeping a dog on a lead when directed to do so by an authorised officer</p>			
Mid Devon PSPO	<p>For the purposes of Article 6.3, an Authorised Officer or Police Constable shall only give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or bird on the land.</p>	<p>For the purposes of Article 6.3, an Authorised Officer or Police Constable shall only give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or bird on the land.</p>	<p>For the purposes of Article 6.3, an Authorised Officer or Police Constable shall only give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or bird on the land.</p>	<p>Dogs on leads (unspecified length) for identified churchyards and cemeteries and public parks.</p>
North Devon PSPO	<p>The terms of the order are as follows: (1) If a dog defecates at any time in any area of land to which the public have access, the person in charge of the dog shall remove the faeces immediately. (2) Where an authorised person is satisfied that a dog is out of control in a public area, being at large and not on a lead, and/or poses a nuisance or danger to people or other animals, the person in charge of the dog shall place the dog on a lead of 2.0m or less when directed by the authorised person.</p>			<p>On-lead restrictions in cemeteries and one identified dune area.</p>

<p>South Hams PSPO</p>	<p>An Authorised Officer of the Council or a Police Officer may only give a direction under this Article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog is likely to cause annoyance or disturbance to any other person (on any land to which this Article applies) or the worrying or disturbance of any animal or bird</p>	<p>An Authorised Officer of the Council or a Police Officer may only give a direction under this Article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog is likely to cause annoyance or disturbance to any other person (on any land to which this Article applies) or the worrying or disturbance of any animal or bird</p>	<p>An Authorised Officer of the Council or a Police Officer may only give a direction under this Article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog is likely to cause annoyance or disturbance to any other person (on any land to which this Article applies) or the worrying or disturbance of any animal or bird</p>	<p>Dogs on leads 1. This article applies to all areas covered by Rule 56 of the Highway Code i.e., on the road, or on the pavement, or on a path shared with cyclists or horse riders 2. Areas with retail premises designated as zone 1 under the Environmental Protection Act 1990 i.e., where there are 2 or more commercial / shop premises 3. Car Parks 4. Cemeteries and Churchyards 5. Any fenced, hedged or walled pond, area of water or nature reserve 6. Marked sports fields whilst organised sport is in progress 7. Areas delineated as formal gardens, and 8. Specifically the site known as Courtenay Park, Salcombe.</p>
<p>Teignbridge PSPO</p>	<p>Keep your dog on a lead when directed by an authorised Officer or Police Officer to prevent a nuisance or behaviour by the dog which is likely to cause annoyance or danger to any other person or animal.</p>	<p>Keep your dog on a lead when directed by an authorised Officer or Police Officer to prevent a nuisance or behaviour by the dog which is likely to cause annoyance or danger to any other person or animal.</p>	<p>Keep your dog on a lead when directed by an authorised Officer or Police Officer to prevent a nuisance or behaviour by the dog which is likely to cause annoyance or danger to any other person or animal.</p>	<p>Keep your dog on a fixed lead (which includes a fixed extendable lead), of no more than 1 metre in length, when on or adjacent to the public highway, a footway, footpath or cycle track. Keep your dog on a lead in areas with signs indicating a dogs on lead area.</p>
<p>Torridge PSPO</p>	<p>An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a</p>	<p>An authorised officer may only give a direction under this order if such restraint is</p>	<p>An authorised officer may only give a direction under this order if such restraint is reasonably</p>	<p>All year or seasonal dogs on leads requirement (no length specified)</p>

	nuisance or behaviour by the dog that is likely to cause harassment, alarm or distress to any other person, or to another animal, livestock or wildlife.	reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause harassment, alarm or distress to any other person, or to another animal, livestock or wildlife.	necessary to prevent a nuisance or behaviour by the dog that is likely to cause harassment, alarm or distress to any other person, or to another animal, livestock or wildlife.	for just five specified locations – a beach, a promenade and parks.
West Devon PSPO	<p>Except (ii) land that is placed at the disposal of the Forestry Commissioner under section 39(1) of the Forestry Act 1967 and Dartmoor National Park Common lands</p> <p>An Authorised Officer of the Council or a Police Officer may only give a direction under this Article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog is likely to cause annoyance or disturbance to any other person (on any land to which this Article applies) or the worrying or disturbance of any animal or bird.</p>	<p>Except (ii) land that is placed at the disposal of the Forestry Commissioner under section 39(1) of the Forestry Act 1967 and Dartmoor National Park Common lands</p> <p>An Authorised Officer of the Council or a Police Officer may only give a direction under this Article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog is likely to cause annoyance or disturbance to any other person (on any land to which this Article applies) or the worrying or disturbance of any animal or bird.</p>	<p>Except (ii) land that is placed at the disposal of the Forestry Commissioner under section 39(1) of the Forestry Act 1967 and Dartmoor National Park Common lands</p> <p>An Authorised Officer of the Council or a Police Officer may only give a direction under this Article to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog is likely to cause annoyance or disturbance to any other person (on any land to which this Article applies) or the worrying or disturbance of any animal or bird.</p>	<p>No lead length specified but leads on roads, pavements or on a path shared with cyclists or horse riders; within the 30 mph speed limit.</p> <p>All areas that are</p> <ol style="list-style-type: none"> 1. Areas with retail premises designated as zone 1 under the Environmental Protection Act 1990 i.e., where there are 2 or more commercial / shop premises 2. Car Parks 3. Cemeteries and Churchyards 4. Any fenced, hedged or walled pond, area of water or nature reserve 5. Marked sports fields whilst organised sport is in progress 6. Areas delineated as formal gardens.



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Mr R Thomas
Lead Adviser Open Access, Coastal Access and National Trails
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH

30 August 2022

Dear Mr Thomas

Review of statutory directions at Gittisham Hill 2017098517 and 2017108538

The Devon Countryside Access Forum has considered its statutory response to the review of statutory directions at Gittisham Hill (case direction references 2017098517 and 2017108538) under the Countryside and Rights of Way Act 2000.

The Devon Countryside Access Forum notes the comments made in the Initial Consultation Summary. The Forum is aware that the landowner carried out shooting under the 28 discretionary days process during the years 2017 – 2020 without submitting dates under the long-term direction that had been applied for. It is unclear why the landowner decided to take this approach and it was not mentioned in the background summary paper forming part of the consultation. The restrictions in place during CoVID-19 in 2020 – 2022 are highly likely to have impacted on shooting use during that period. Now CoVID-19 restrictions have been lifted, it is likely the landowner will recommence shooting this autumn if that is considered part of their business activity.

Members have differing views on shooting but recognise that shooting is a legitimate and permitted activity on open access land. Should the landowner wish to continue shooting, public safety is of utmost importance and closure days either under discretionary days or a direction would therefore be appropriate, as would dogs on leads on the day before shoot days to prevent disturbance to game. It is not clear

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whether the discretionary days were all for shooting or whether these included the day prior so that dogs would not be present on site.

The DCAF would welcome clarification on when signs are put up at access points to warn the public of forthcoming restrictions and whether these are checked on closure days.

The Forum would appreciate knowing the landowner's intentions for the future and how these can be met with the least impact on public access.

This response will be on the agenda of the Devon Countryside Access Forum's next meeting on 19 September for formal approval.

The Devon Countryside Access Forum trusts its response will be taken into consideration and requests it is informed of the outcome of the review.

Yours sincerely



Hilary Winter
Forum Officer

Letter sent on behalf of the Devon Countryside Access Forum

Chair: Sarah Slade

Vice Chair: Chris Cole

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 Natural England.

The DCAF currently has nineteen 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.

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTIONS RESTRICTING CROW ACCESS RIGHTS

Prepared by Natural England

Access Authority: Devon County Council
Relevant Authority: Natural England
Local Access Forum: Devon Local Access Forum

Direction reference: 2016058166

Land Parcel Name	Direction Reference	Details of restriction on original direction
Gittisham Hill	2017098517	No Public Access Outline direction for up to 25 days per calendar year from 1 st October to 1 st February each year
Gittisham Hill	2017108538	Dogs to Leads Outline direction for up to 25 days per calendar year 1 st October to 1 st February each year

Natural England has now decided how to proceed following its review of the long-term direction to restrict open access rights on this land. A consultation was held between 28 July 2022 and 02 September 2022 with statutory consultees and the general public.

We received comments from the Devon Countryside Access Forum (DCAF) and the Devon Ramblers Access Officer.

The DCAF noted that the applicant had used his discretionary days between 2017 and 2020, so wondered whether shooting had occurred even though the outline directions had not been used. They acknowledged that shooting is a legitimate and permitted activity and that a closure on shooting days would be appropriate for public safety and dogs on leads on the day before the shoot to prevent disturbance to game. The DCAF felt the mechanism for this could be either discretionary days or through the application directions, but felt clarification was needed on whether signs are put up to warn of the closure days, and whether these are checked on the actual days of closure.

The Ramblers commented that as no outline direction dates had been notified to Natural England it assumed that no shooting occurred since the last review, and if shooting is not continuing the directions should be revoked.

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Outcome of the review:

Natural England's decision is to revoke the directions.

During the Initial consultation Natural England was made aware that the applicant had in fact used some of their discretionary days under s28 CROW to close the land on a number of occasions between 2017 and 2020.

Natural England received a letter from the agent for the Combe Estate, and a site visit was arranged. The agent confirmed that they did use the hill for shooting since the last review, albeit at a lower level than planned, and that this decreased further due to the Covid pandemic. He confirmed he did use his discretionary days to close the hill on these occasions. He confirmed they do plan to continue shooting on the estate, but probably for only up to 6 days a shoot season. The agent therefore felt they could continue to use their discretionary days to close the land on the shoot days, and around three days before each shoot day as is their discretionary right. He thought they should be able to fit in around the limitations on the use of discretionary rights, e.g. limits on weekend days and bank holidays.

Therefore it was agreed the directions could be revoked as they are no longer required, however Natural England made it clear that if the estate wished to increase the number of shooting days on the hill, or shoot on days limited under s28, then Natural England could revisit the need for directions to exclude or restrict access.

During the site visit the agent also pointed out that there are a number of access points to the hill where the gates were not locking securely with the result that these access points were no longer stock proof. These have had to be made secure by the estate but now do not function as gates. The estate would be very happy if Devon County Council wished to re-instate these access points.

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application originally submitted to us. Only the applicant can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at www.planningportal.gov.uk/planning/countryside/countryside.

Date review completed: 16/09/2022



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Mr B Grubb
Senior Planning Officer
Climate Change, Environment & Transport
County Hall
Topsham Road
Exeter
EX2 2QD

30 August 2022

Dear Mr Grubb

A379 bridge – 1:12 cycleway

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 county councils.

The DCAF currently has nineteen 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.

Thank you for consulting the Devon Countryside Access Forum on the proposed bridge over the A379, south west of Matford. This will be an important improvement to road safety, enabling pedestrians and cyclists to cross the busy road between housing and education areas. The Forum notes the reference to ‘inclusive mobility through the site has been a key factor in the layout of the Bridge and its approaches.’

A ramp of 1:12 on part of the bridge is on the cusp of acceptability and, ideally, a less steep gradient would have been greatly preferred. However, the DCAF notes the constraints of the site and problems associated with the landfill site. Your proposal to include some landing sections would be appreciated as these would enable resting

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places for people including mobility scooter and wheelchair users and those with pushchairs. As well as local residents, schools often have pupils with disabilities.

In its response to consultations on the new bridges at Sidmouth and Marsh Barton Station, the DCAF stressed the importance of landings referring to guidance from the Disabled Ramblers <C:\FAMILY\IAN\PROJECTS\Countryside for All\Guide\FinalEDIT2005\SHEETS.wpd> (disabledramblers.co.uk) and the Sensory Trust [Ramps and steps design and planning - Sensory Trust](#) These do vary in their recommendations but the DCAF advises that Devon County Council seek to achieve the highest number of landings possible given the steepness of the ramp.

The 3D illustration is helpful and the DCAF is very concerned at reference to a 'tricky step' from the landing area to the ramp. Any step leading off a ramp could be an obstacle or safety issue for those using mobility scooters or wheelchairs and the DCAF would welcome further details on this point. It could well mean users having to proceed further along the ramp without stopping when they need to do as they cannot negotiate the step. The landing areas need to be of sufficient length and also allow turning. The DCAF assumes that the ramp itself will have a non-slip surface. Given the importance of this bridge to the surrounding housing areas and schools, the DCAF advises that all efforts should be made to incorporate a design without a step to the landings so that the use of these is not compromised.

The recent publication from the Department of Transport on inclusive mobility (2022) states "The Countryside for All Good Practice Guide: A guide to Disabled People's Access in the Countryside defines two main types of non-urban context in which its recommendations apply: 'Urban fringe and managed landscapes', such as countryside areas near towns or managed recreation sites; and 'Rural and working landscapes', such as farmland and woodland with public rights of way. It recommends that there should be a resting place at least every 200 metres in 'Urban fringe and managed landscapes' and at least every 300 metres in 'Rural and working landscapes'. The gradient of paths in these two contexts should not exceed 1 in 12 and 1 in 10, respectively. There should also be level landings provided on all paths that have a gradient in excess of 1 in 20. Each landing should consist of a space with minimum dimensions of 1200mm (wide) x 1500mm (long), and a landing should be provided for every 750mm of vertical climb." [Inclusive Mobility. A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure \(publishing.service.gov.uk\)](#)

The Sustrans Greenways Design Guide (point 9.13) states that any access point should have a minimum clear width of 1.5 metres. In addition, any access point should be able to accommodate the design cycle vehicle (which is 1.2 metres wide x 2.8 metres long) [Sustrans traffic-free routes and greenways design guide - Sustrans.org.uk](#) A design cycle vehicle might include a tandem, cargo bike or wheelchair friendly tricycle.

If possible, benches on a viewing platform or landing would be an enhancement to the overall scheme and allow people to rest or socialise, for example parents or carers with pushchairs.

The capability of mobility scooters and wheelchairs has improved immeasurably in recent years but the basic principles of responsibility to improve access for all still apply. The public right of way currently crossing the road (Exminster FP 13a) will be diverted onto the new bridge which will encourage use.

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The DCAF recommends that an Access Audit is carried out to ensure plans for the ramps and landing areas (and access onto these areas) meet accessibility requirements, as well as the safety audit you mention.

This response will be on the agenda of the Devon Countryside Access Forum's next meeting on 19 September for formal approval.

The DCAF would welcome feedback on its comments.

Yours sincerely



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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Mr N Nicholson
Senior Engineer
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Exeter EX1 NT

30 August 2022

Dear Mr Nicholson

Consultation for a Walking, Cycling and Horse Riding Assessment (A382 between Newton Abbot and Drumbridges Junction)

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 county councils.

The DCAF currently has nineteen 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.

Thank you for consulting the Devon Countryside Access Forum on major road improvements between Newton Abbot and Drumbridges Junction. Improvements to this very busy road to facilitate walking and cycling will encourage sustainable transport and enable more people to enjoy recreational access to reach areas such as the Wray Valley Trail and Stover Country Park.

The Forum has a few advisory comments to make of a general nature which will hopefully inform the development of this project.

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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Vulnerable users and crossing points

Where there are crossing points over junctions and roundabouts, the Forum advises that these should be fully assessed for disability access, for example drop kerbs and change of surfacing. The Position Statement on Disability Access prepared by the Forum states that those with limited mobility might include “parents with children in buggies; elderly or frail people, who might use an electric mobility scooter or wheelchair; and people with walking aids.” Designs of pedestrian/cycle crossings should give clear priority to walkers and cyclists.

The Position Statement on Disability Access also makes reference to the Highway Code. “Design and improvement work on roads to encourage non-motorised users and sustainable travel should reflect the hierarchy in the Highway Code, rule 204. This acknowledges that road users most at risk in order of vulnerability are pedestrians, in particular children, older adults and disabled people, cyclists, horse riders and motorcyclists.”

The drawings do not show any proposed pedestrian priority/continuous crossings. To encourage use pedestrians should have priority. The lack of continuous crossings creates issues for cyclists too as they need to check for cars at every junction. The Forum advises that one way to deal with this would be to move the crossings further away from the road, increasing the time for vehicles and pedestrians to navigate one another, and improving the visibility angles.

Traffic management may be a particular issue at Stover Country Park and careful consideration needs to be given to the design of the pedestrian/cycleway at the well-used entrance to the Park, south of Drumbridges roundabout, in order to mitigate risk to walkers, cyclists and other trail users. Vehicles entering and existing the Park from and onto the new dual carriageway will be directly crossing the pedestrian/cycleway. This presents a particular risk as vehicles would enter the Park whilst pedestrians and cycles are also travelling south. Planned improvements to Stover Country Park, subject to funding, are likely to increase visitor numbers either coming by car or using the proposed footway/cycleway.

It is not clear whether the pedestrian /cycle crossing facilities at the planned roundabouts will be traffic light controlled or whether other management arrangements are envisaged to help provide safe crossing points. It would be useful to understand the design intent for any controlled crossings across the scheme and the Devon Countryside Access Forum would appreciate clarification on this matter.

Segregation from traffic

It appears from the drawings that there will be a verge separating the footway/cycleway from the road, except at junctions and roundabouts. It would be helpful to know what degree of protection this will give to vulnerable users on the footway/cycleway. At points the verge appears narrow and a wider buffer with trees/planting would increase the desirability of the route and decrease perceptions of vulnerability. Some appropriate landscaping and planting would also retain some of the local character.

Segregation of cyclists and walkers and safety

This will be a busy route for commuting and leisure cyclists and walkers. The 3m wide track is noted. It is not clear whether there will be any segregation of walkers and cyclists by either surface or markings to encourage responsible use of the route. Further information on this point would be helpful. It is likely that the route will also be used by dog walkers. Although the route is on-road, an advisory statement compiled by the Forum in relation to trail safety is also pertinent in that this states design should try to ensure that the behaviour of one user does not interfere with the "safety or perceived safety of the other user."

Equestrian use

The consultation refers to a walking, cycling and horse-riding assessment. There does not appear to be any consideration of equestrian use and the Devon Countryside Access Forum advises that this would be invaluable as the Wray Trail permits horse use as does the crossing over Drumbridges roundabout. Multi-use is the preferred option of the Forum and Devon County Council, whenever this can be achieved, and reasons should be provided if this is not an option. As well as the route itself, a review of multi-use should include an assessment of the roundabouts for safe crossing by equestrians as these might give the opportunity for horse-riders using the adjacent minor road network to cross safely, even if there are few bridleways in the vicinity.

Bridge and ramp design

Although the Forum did not have sight of the drawings for this part of the project, it is vitally important that the bridge and ramp design safely accommodates all users. The needs of disabled people are key in this regard.

The recent publication from the Department of Transport on inclusive mobility (2022) states "The Countryside for All Good Practice Guide: A guide to Disabled People's Access in the Countryside defines two main types of non-urban context in which its recommendations apply: 'Urban fringe and managed landscapes', such as countryside areas near towns or managed recreation sites; and 'Rural and working landscapes', such as farmland and woodland with public rights of way. It recommends that there should be a resting place at least every 200 metres in 'Urban fringe and managed landscapes' and at least every 300 metres in 'Rural and working landscapes'. The gradient of paths in these two contexts should not exceed 1 in 12 and 1 in 10, respectively. There should also be level landings provided on all paths that have a gradient in excess of 1 in 20. Each landing should consist of a space with minimum dimensions of 1200mm (wide) x 1500mm (long), and a landing should be provided for every 750mm of vertical climb." [Inclusive Mobility. A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure \(publishing.service.gov.uk\)](#)

The Sustrans Greenways Design Guide (point 9.13) states that any access point should have a minimum clear width of 1.5 metres. In addition, any access point should be able to accommodate the design cycle vehicle (which is 1.2 metres wide x 2.8 metres long) [Sustrans traffic-free routes and greenways design guide - Sustrans.org.uk](#) A design cycle vehicle might include a tandem, cargo bike or wheelchair friendly tricycle.

The Devon Countryside Access Forum would welcome sight of detailed drawings for

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these when appropriate, but it would have been helpful if full information could have been considered at the same time.

The Forum would have appreciated the opportunity to make comments at an earlier stage in the process on all the above matters.

This response will be on the agenda of the Devon Countryside Access Forum's next meeting on 19 September for formal approval.

The Devon Countryside Access Forum trusts that its response will be taken into consideration and requests feedback on the matters that have been raised.

Yours sincerely

A black rectangular box redacting 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

Dartmoor National Park Authority A38 Corridor Access Review

The Dartmoor National Park Authority has identified the A38 corridor of the National Park as an Area of Opportunity within the National Parks Partnership Plan Recreation Strategy. Areas of opportunity have been identified as those that offer scope for increased use if managed sustainably with improved recreation infrastructure.

The Recreation Strategy has also identified town hubs. The town hubs along the A38 corridor are Ivybridge, South Brent, Buckfastleigh, Ashburton and Bovey Tracey. It is envisaged these will act as destinations for visitors to support the local economy and promote sustainable modes of onwards travel.

Dartmoor National Park Authority would like to identify opportunities to improve the access provision along the A38 corridor to better connect settlements with access land and green space and create better connections between settlements for the benefit of local communities and visitors. Whilst this is a DNPA project, comments can be made for routes on either side of the National Park boundary.

A mapping tool is being developed which will allow suggestions to be inputted. Such improvements might include:

- A new suggested route – e.g. a missing link, where if a new route was created it would significantly improve access to a green space, help create a circular route or connect settlements.
- Suggestions for improvements e.g. where upgrading a footpath to a bridleway would create improved access or where surface improvements or changes to path furniture would make a route more usable.

The Dartmoor National Park Authority will be engaging with local communities on this project. It is likely a priority action plan will be created based on suitability, sustainability and benefit of the suggestions. Improvements are likely to be dependent on external funding to proceed.

The Devon Countryside Access Forum is recommended to consider how it could respond to this review. The deadline date for this initial exercise is 31 October.

