



Devon Countryside Access Forum
c/o Public Rights of Way team
Great Moor House
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Sixty-Eighth meeting **Devon Countryside Access Forum**

Great Moor House, Bittern Road, Sowton, Exeter EX2 7NL

Monday, 23 September 2024 at 10.00 am

The meeting will be open to the public in accordance with provisions of reg.7 of The Local Access Forums (England) Regulations 2007 (under s 94 and 95 of the Countryside and Rights of Way Act 2000).

A G E N D A

1. Apologies
2. Declarations of interest
3. To approve minutes of the meeting held on 22 April 2024 (Pages 1 - 10)
4. Matters arising
 - 4.1 Network Rail
 - 4.2 A379 Bridge
 - 4.3 Woodbury Common. Deregistration and exchange of common land. Decision notice. (Pages 11 - 24)
5. Meetings and events attended by members
 - 5.1 Ridgetop Country Park
 - 5.2 Haldon Forest horse riding meeting

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

5.3 Training Day, North Devon

5.4 National Trust Killerton Landscape Recovery Project workshop

6. Correspondence log (Pages 25 - 28)

7. Public questions

8. Green Space Position Statement (Pages 29 - 32)

To approve revised Green Space position statement.

9. National Landscapes Position Statement (Pages 33 - 36)

To review and amend, as appropriate, the position statement on National Landscapes (formerly Areas of Outstanding Natural Beauty). The five National Landscapes in Devon have started to review their five-year management plans.

10. Minutes of the Public Rights of Way Committee held on 11 July 2024 (Pages 37 - 42)

11. King Charles III England Coast Path - commencement of new access rights and directions to restrict access (Pages 43 - 50)

12. Public rights of way update

13. Annual Report 2023-2024

To note and approve Annual Report.

14. To note and approve responses to consultations and submissions. To note any feedback.

14.1 Smarter regulation: proposed changes to legislation for electrically assisted pedal cycles. Department for Transport. (Pages 51 - 54)

14.2 East Devon Local Plan (Pages 55 - 56)

14.3 DCAF response - Lower Brenton Farm DCC 43372023 (Pages 57 - 58)

14.4 Forestry England. New woodland at Quoditch. (Pages 59 - 76)

To note the consultation report from Forestry England following submission of the Devon Countryside Access Forum response.

- 14.5 Creation of a new cycle and pedestrian multi-use path between Sidford and Sidbury. DCC/4404/2024 (Pages 77 - 78)
 - 14.6 Soil Association. Stakeholder Consultation - Forest Management carried out by Forestry England (Pages 79 - 82)
 - 14.7 Tamar Valley National Landscape Management Plan review survey (Pages 83 - 88)
15. Dates of meetings 2025-2026
- Next meeting: Monday, 20 January 2025
- Proposed dates:
Monday, 28 April 2025
Week commencing 23 June 2025 – Training Day
Monday, 22 September 2025
Monday, 19 January 2026
16. Any other business

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-Seventh meeting of the Devon Countryside Access Forum held at Westbank Community health and Care, Exminster EX6 8AT

Monday, 22 April 2024

Attendance

Forum members

Andrew Baker	Gordon Guest
Cllr Richard Chesterton	Sarah Slade (Chair)
Tim Felton	Bryan Smith
Lucinda Francis	Tim Spray
Gordon Guest	Rosie Wibberley
Dean Holland	

Devon County Council Officers and others present

Philip Hackett, Access Field Officer, South West, British Horse Society
Daniel Hays, Network Rail
Lianne Venning, Network Rail
Richard Walton, Public Rights of Way and Country Parks Manager, DCC
Hilary Winter, Forum Officer, DCC

1. Apologies and welcome

The Chair welcomed new members Dean Holland and Rosie Wibberley and congratulated Andrew Baker and Sue Pudduck on their reappointment.

Apologies had been received from Jo Burgess, Chris Cole, Cllr Linda Hellyer, Sue Pudduck, Tino Savvas, Robert Sewell, Lorna Sherriff and Glynn Yabsley.

2. Declarations of interest

There were no declarations of interest.

3. To approve minutes of meeting held on 22 January 2024

Minutes of the meeting held on 22 January 2024 were approved, subject to amending the last sentence of paragraph 17.3 to read "Previously concerns that permissive access could become permanent were perceived as a deterrent to uptake."

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4. Matters arising

4.1 Network Rail, Sandy Lane, Rewe

The letter to Network Rail was noted and approved.

Dan Hayes, Level Crossing Manager for Network Rail, and Lianne Venning, Route Level Crossing Manager, were welcomed.

The crossing was now open. Dan Hayes recapped on the history of the pedestrian crossing and unauthorised use by motorbikes captured on video. The crossing had been closed for a significant period to allow improvement works to take place. It was acknowledged that the new gates reduced access for disability users and means of improving this were being explored. He suggested motorbike inhibitors might prevent motorbikes but would not inhibit cyclists.

Gordon Guest advised that motorbike inhibitors may prevent disabled ramblers. A successful court case in Newcastle ruled it was illegal to obstruct disabled users. He suggested radar key gates might work, provided these were regularly oiled and maintained. Keys could be given to local people. Gates would need to be at least 1m wide between the posts. 'Airlock' type gates would also provide a better solution than an A frame.

A member of Network Rail staff was currently in conversation with a local resident keen to secure disability access.

Signs could be erected to advise that certain users cannot use the crossing. There may be an option to explore a Traffic Regulation Order on the road to restrict motorised use, through the DCC Mid Devon Highways and Traffic Orders Committee. The Parish Council would have a key involvement in that process.

Andrew Baker, also Chair of Rewe Parish Council, congratulated Network Rail on the improvements to the crossing. He raised the question of visibility on the line northwards and that it would be useful to know which direction the train was coming from. Dan Hayes, Network Rail, confirmed that an eighteen second crossing time was built in and that factored in disabled use. The crossing now had a better surface and was a straighter crossing. He was asked to consider whether it was possible to provide additional information to assist people crossing.

It was agreed Gordon Guest and Network Rail should liaise over potential structures via the Forum Officer.

Action: Gordon Guest and Forum Officer

4.2 Local Cycling and Walking Infrastructure Plans

The Local Cycling and Walking Infrastructure Plan position statement, as

drafted, was agreed. It was explained these specific statutory plans only included cycling and walking.

4.3 Lower Brenton Farm planning application

Further information had been requested from the applicant. The date for determination by the Development Management Committee (DCC) will depend on submission of this plus any need for further consultation.

4.4 Sidbury to Sidford cycle route, Devon County Council

The consultation report had been published by WSP. The majority of participants had been supportive. DCAF comments had been included in tables related to concerns. DCC had been requested by WSP to consider the report as part of processing, validation and assessment of the planning application. It was not known when the planning application would be submitted.

4.5 Defra response on dog issues

The report from the Responsible Dog Ownership Working Group had not yet been published. This was likely to focus on dangerous dogs and not the DCAF's concerns about the plethora of dog legislation on different types of land and from area to area.

The national Local Access Forum SharePoint site discussion area was not up and running which reduced wider consideration on the topic by LAFs across the country.

Action: Forum Officer to send dog legislation summary to new DCAF members.

4.6 Devon Countryside Access Forum information pack

The Forum Officer reported this was in progress.

Action: Forum Officer

5. Election of Chair and Vice Chair

The Forum Officer took the Chair. No members had put themselves forward for the position of Chair. A discussion took place with the current Chair, Sarah Slade, explaining the need to have an orderly transition. She asked whether members might step up to assist or be copied in to emails to see what the role involved. Tim Felton would discuss this with Sarah. Tino Savvas had offered by email prior to the meeting to help in sharing some of the additional responsibilities, such as additional meetings.

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It was agreed the roles of Chair and Vice Chair would be on the agenda for the September meeting. In the interim Sarah Slade was re-elected Chair, proposed by Andrew Baker and seconded by Bryan Smith. All in agreement. Chris Cole was re-elected as Vice Chair, proposed by Andrew Baker, and seconded by Bryan Smith. All in agreement.

6. Public questions

There were no public questions.

7. Correspondence log April 2024

The correspondence log was noted.

8. Report on meetings attended by DCAF members

8.1 Otter Estuary. National Nature Reserve opening

The Chair had attended the opening of the Pebblebed Heaths National Nature Reserve which had been enlarged to include the Otter Estuary, one of the King's new NNRs. This had been a high-profile event with the Environment Minister and Chair of Natural England present.

The restoration project on the Lower Otter had developed well with a lot of wildlife interest. The footpath to the west of the estuary is being impacted by some tides which, although recognised as part of the project, was a concern. Richard Walton confirmed that the footpaths will be monitored. The Materials Laboratory, DCC, was not overly concerned with the water as it is not at a high velocity. It was noted that cyclists were using this path.

Improvements for disabled access had been created by installing a ramp at the Otterton Mill end. The whole riverside path cannot currently be used due to erosion. Some of the gates outside the immediate project area were not accessible and Gordon Guest asked the Devon Countryside Access Forum to advise that these should be improved.

Richard Walton confirmed that the remaining legal work was being completed to allow highway adoption of the raised South Farm Road and diversions of footpaths.

9. Rights of Way Improvement Plan Review

Richard Walton recapped on the process. The review sought to update the objectives and policies of the 2012 document, informed by the DCAF working group meetings and through reports to the DCAF and Public Rights of Way Committee. He hoped to sign off the document at the July PRow Committee meeting.

In-house consultations had taken place with the PRow team, Environment group and Transport Policy team as well as externally with P3 groups, National

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Landscapes, National Parks and representative bodies and groups. Draft documents had been put on the website.

Some amendments may have to be made depending on regulations arising from the Deregulation Act 2015 and agricultural support systems. A five-year review is planned.

A discussion took place on whether stiles should be incorporated in policies A23 and C3 and whether this might open the RoWIP to legal challenge following successful court cases about obstructions to disability access. This was noted but A23 referred to permissive access with different legal obligations and C3 concerned making path furniture less restrictive. Richard Walton confirmed that, although the RoWIP drew on British Standards, there were situations where DCC did not have the power to remove a stile or kissing gate. The document aimed to secure the least restrictive approach. DCC will no longer fund stiles. Complaints had been received about the airlock gates at Clearbrook, but these were the minimum acceptable to the landowner. Sometimes the Definitive Map and Statement references a stile. It was now rare for a landowner to insist on a stile.

It was felt policy B20 stating that consideration will be given to encouraging corporate and community volunteering days was not worded as strongly as B19 which mentioned opportunities will be sought to encourage and extend joint working with organisations and engage with the DCC Corporate Parenting Team. Richard Walton explained that some volunteering opportunities had been arranged at Stover, for example with National Highways, but other requests sometimes had to be turned down - for example, if at the wrong time of year.

It was suggested that Richard Walton should consider changing the review date from 2028 to 2029.

Richard Walton was thanked for his work and a hope was expressed that the document would invite engagement and feedback. It was noted that it was positively used in determining the capital programme priorities.

The Chair proposed endorsing the RoWIP document and this was agreed.

10. To note minutes of the Public Rights of Way Committee held on 7 March 2024

Minutes of the Public Rights of Way Committee held on 7 March 2024 were noted.

11. Public Rights of Way update

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

Budgets

The revenue budget for 2024/2025 was approximately £1m. This had not been increased whereas costs of materials and contractors had gone up. The capital allocation had gone up to £1.2m. In addition, the branded trail network would receive £750,000 for renewal of infrastructure, for example similar to works carried out in 2023/2024 replacing a boardwalk at Courtlands on the Exe Estuary Trail and raised

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cycleway/walkway work on the Drake's Trail. A fibre deck composite was being used at Courtlands as it lasted longer in a salty environment. A £150,000 capital fund was available to pilot different surfaces, for example flexipave, an aggregate mixed with recycled rubber, and also concrete with a higher percentage of recycled/waste materials. The aim was to demonstrate different techniques and carbon reduction and address the desire to not urbanise the countryside.

The budgets demonstrated the value of public rights of way to sustainable transport and health and well-being.

Definitive Map Review

The Definitive Map Review team was close to completing the parish-by-parish review for the County. Open meetings were planned soon in Brendon and Countisbury, Tiverton and Loxbeare. The opening meeting had taken place in Rockbeare. Informal consultation on orders was taking place in Lynton and Lynmouth.

Warden work

Jonathan Rowlands would be retiring in July. It was hoped confirmation to reappoint would be agreed shortly and there were likely to be good candidates for the post.

Key challenges for the warden team were erosion of riverbank and cliff top paths and path surfaces washed out, particularly on sunken lanes. The public had high maintenance expectations, and this was most evident in areas adjacent to urban growth.

John Boyd had joined the team as P3 Officer as Ros Davies had moved across to a warden role.

England Coast Path

Bids totalling up to £500,000 to £600,000 were being made to Natural England to implement the King Charles III England Coast Path. The projects were outlined for the benefit of new members and were itemised in the minutes of the previous meeting.

Riverbank stabilisation

Riverbank erosion had impacted on the Lower Otter Valley adjacent to Otterton FP1. Temporary work was being carried out following discussions with Clinton Devon Estates (as riparian owner). Permission was being sought from the Environment Agency for more notable work involving willow and hardwood timber stakes.

At Newton Poppleford, consent was being sought for willow work and rock bags to stabilise the riverbank. Permission for hard engineering was unlikely to be granted by the Environment Agency. Some of the work was season dependent.

A report was going to the DCC Cabinet in May on Red Bridge. Negotiations were taking place with a landowner to buy land to replace the footbridge. This would be to a higher bridleway standard. The old bridge will be removed.

Investigations to secure the Coleridge Bridge and Dotton Bridge continued.

Costs

In response to a question about high maintenance costs and budgets, Richard Walton said that projects were prioritised. Some were phased over more than one financial year. There was the opportunity to submit bespoke bids and apply for resilience capital budgets. There was a Government storm fund with specific formulae. However, the scale of flooding in May 2023 was not on a scale wide enough to secure this funding.

Stover Country Park

Skinner Construction Ltd, a local firm, had won the contract to extend the visitor centre. The lake desilting work would be carried out by a specialist firm. Tenders would be out shortly for the partial reinstatement of a section of the serpentine lake/ornamental canal and conservation of the historic gatehouse.

Blocked paths

It was noted there had been a national Ramblers' report on blocked paths. Richard Walton confirmed that the number of blocked paths in Devon was relatively low. There were some areas where paths were closed, due to erosion for example.

Burn Bridge

Richard Walton was asked to confirm when the Burn Valley bridge, Bickleigh FP 4 and linking to the Exe Valley Way, would be replaced.

Action: Richard Walton

12. Current consultations

12.1 A379 bridge

Chris Cole and Gordon Guest had attended a site meeting on the bridge with DCC officers. The steep slope to access the bridge had no resting place, although there were seats on the top of the bridge. The drawings were approved and would mean some retrospective works to install the rest area.

Action: Forum Officer to advise DCC Officers.

12.2 Smarter regulation: proposed changes to legislation for electrically assisted pedal cycles. Department for Transport.

A discussion took place on proposed changes to legislation for electrically assisted pedal cycles. There was a divergence of views with some members inclined to support additional power as this would add to the range of people using cycles and places that can be accessed. Similarly, throttle control would allow more people to use pedal cycles. There would be benefits for

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sustainable travel and health and well-being.

Other members reflected that increased numbers using EAPCs with a greater range would change the experience of the countryside with loss of isolated areas. Access was seen as sufficient without losing integrity. It could put people off walking if more people used heavier and faster pedal cycles. People might be less physically active if dependent on electric power. Evidence of a cycle hire place in the Grampians now only supplying electric cycles was mentioned.

The legislation might benefit urban areas primarily but could have unintended consequences for rural areas, particularly on bridleways and recreational trails. Cargo bikes were more likely to be confined to cities.

The risks to users were discussed, along with the need for more campaigning on safety and a focus on the hierarchy in the Highway Code. A weight limit for cargo bikes might be appropriate.

It was agreed that it would be difficult to justify the changes solely for disabled people. Any urban/rural distinction could not be made.

Technology might well lighten batteries over time.

It was likely that people using EAPCs at speed would not connect with nature so well and would have a less peaceful and more transitory experience.

It was agreed to draft a response reflecting the polarisation of views.

Action: Forum Officer

13. To note and approve responses to consultations and submissions. To note any feedback.

13.1 Exeter Plan, Exeter City Council

The response was noted and approved.

13.2 Woodbury Common. Deregistration and exchange of common land.

The response was noted and approved. The application had not yet been determined by the Planning Inspectorate.

13.3 Hemyock Common. Review of statutory direction. Natural England.

The response was noted and approved. Natural England had subsequently determined a direction was not required and that the activity could continue on the Common using discretionary restrictions under the 28-day legislation.

14. Training Day

A Training Day would be arranged for late June or early July, possibly in North Devon with a focus on the England Coast Path and woodland access. Dean Holland suggested Marsland nature reserve as an option. Philip Hackett, Chair of the Dorset LAF, had expressed interest in a joint training day and an invitation would be extended, although it was acknowledged a subsequent day might be more convenient geographically.

15. Work Plan

Although not a statutory requirement, a work plan provided a reminder of the breadth of DCAF work and remained useful. A meeting at the SW Heritage Centre in September, with the option to look at historical records informing the Definitive Map review process, was suggested. Dean Holland would report back on the Exeter Green Circle.

Presentations at meetings would be incorporated when time permitted.

Action: Forum Officer

16. Date of next meeting

The next meeting would be held on Monday, 23 September, venue to be determined.



Application Decisions

Site visit made on 16 July 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 30 July 2024

Application A Ref: COM/3333979

Woodbury Common, Devon

Register Unit: CL136

Registration Authority: Devon County Council

- The application dated 13 November 2023 is made under Section 16 of the Commons Act 2006 ("the 2006 Act") to deregister and exchange land registered as common land.
 - The application is made by David James Roper Robinson, Noel George Herbert Manns, Venn Bridge LLP and Braundshill Holdings Limited (owners of the release and replacement land).
 - **The release land** comprises 16,910m² of land at Blackhill Quarry.
 - **The replacement land** comprises of 34,030m² of land in total, consisting of six separate parcels at or near Blackhill Quarry.
-

Application B Ref: COM/3333989

Woodbury Common, Devon

Register Unit: CL136

Registration Authority: Devon County Council

- The application, dated 13 November 2023, is made under Section 38 of the 2006 Act for consent to carry out works on common land.
 - The application is made by David James Roper Robinson, Noel George Herbert Manns, Venn Bridge LLP and Braundshill Holdings Limited.
 - The works comprise underground cabling and the erection of a bat hibernaculum.
-

Decisions

Application A

1. Consent is granted and an Order of Exchange given in accordance with the application dated 13 November 2023, to deregister and exchange common land at Woodbury Common, Devon. As part of the Order of Exchange, a copy of the application plan (Drawing A) showing the areas for deregistration and exchange is attached to this decision.

Application B

2. Consent is granted for the works in accordance with the application dated 13 November 2023 and the accompanying plans, subject to the following condition:

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Application references COM/3333979 & COM/3333989

- 1) The works shall commence no later than 3 years from the date of this decision.

Reason: In the interests of certainty.

3. For the purposes of identification only, a copy of the application plans showing the location of the cabling works (Drawing B) and bat hibernaculum (Drawing C) is attached to this decision.

Preliminary matters and background

4. Planning permission was granted (reference 22/2546/MFUL) for the installation of a battery energy storage facility and associated infrastructure, including underground cabling, at Blackhill Quarry in July 2023. The development approved broadly correlates with the release land proposed in Application A, and the underground cabling shown in Application B. Although within Woodbury Common, this land has longstanding industrial use, including as a quarry, the processing and storage of minerals and other commercial development. The approved battery energy storage facility was subject to planning conditions which included measures for habitat creation, mitigation and management. One of the ecological mitigation measures was the provision of a bat hibernaculum. Separate planning permission (reference 23/2312/FUL) was granted in March 2024 for a bat hibernaculum which correlates with the details shown in Application B.
5. Accordingly, the applicants have submitted both a section 16 (to deregister and exchange land (Application A)) and a section 38 application (for works (Application B)) under the 2006 Act. They indicate that both would be necessary to enable them to deliver the battery energy storage facility approved. Hence, although they are two separate applications, they are intrinsically linked. I have borne in mind the statutory requirements in respect of sections 16 and 38 of the 2006 Act as appropriate. However, to reduce repetition, I have dealt with both applications together in this decision letter unless stated otherwise.
6. In relation to both applications, the applicants have provided a signed Unilateral Undertaking (UU) dated 12 July 2024 pursuant to section 106 of the Town and Country Planning Act 1990. Subject to the issuing of consents for both applications, this includes an obligation requiring the owners to enter into a dedication instrument that would accord with section 16 of the Countryside and Rights of Way Act 2000 (CROW Act). In effect, that would voluntarily dedicate the replacement land as access land for the purposes of the CROW Act. In addition, in relation to the replacement land, there are obligations to allow permissive access to users on horseback and bicycle and to remove any fencing. I shall consider the UU as part of my decisions.

Main Issues

7. I am required by Sections 16(6) and 39(1) of the 2006 Act to have regard to the following in determining these applications:
 - (a) the interests of persons having rights in relation to, or occupying, the release land (for Appeal A) and the land (for Application B) (and in particular persons exercising rights of common over it);
 - (b) the interests of the neighbourhood;

(c) the public interest, including the public interest in nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest; and

(d) any other matter considered to be relevant.

The Applications

Application A

The Release Land

8. The release land amounts to 16,910m² situated towards the southern end of Woodbury Common. Woodbury Common is a substantial registered unit, reference CL136 (extending to about 283 hectares). It adjoins other registered units of common land to the east and south. The release land is irregularly shaped but relates to a former worked quarry and associated buildings. It later served as a processing plant for the importation, processing and storage of sand and gravel, as well as other commercial uses. Consequently, there are extensive areas of concrete hardstanding and large utilitarian buildings on the land, with very little vegetation.
9. Owing to the quarrying and industrial uses, the release land is excepted land to which the public and commoners have no rights of access. The topography combined with fencing physically reinforce this. Moreover, because planning permissions were granted for industrial development, the applicants have confirmed¹ that the release land is excluded from any restoration scheme associated with the former quarry use that would otherwise return it to publicly accessible land.
10. For the purposes of identification, a copy of the application plan is attached to this decision at Drawing A. The release land is shaded in red and labelled parcel 7.

The Replacement Land

11. The replacement land is in six parcels that total 34,030m². They range in size and appearance as described below, but all are pockets of land that are totally or partially bounded by common land. As such, they appear as areas of 'infill' that were probably originally excluded from common land registration because they were formerly forestry plantations. There are no formal public access rights to any of the parcels.
12. Parcel 1 is broadly rectangular and amounts to 7950m². It forms part of a larger area of conifer plantation woodland and mixed scrubland and lies about 200m northeast of the release land. It is otherwise surrounded by CL136 with no boundary features.
13. Parcel 2 is a small square parcel of conifer woodland measuring 1320m². It lies about 540m east of the release land. It is contiguous with CL136 and Bicton Common CL82, with no physical boundary from either.
14. Parcel 3 is the furthest from the release land lying about 830m southeast of it and surrounded by Bicton Common. It is a square parcel of land amounting to

¹ Paragraph 4.13 Applicant Statement in Support

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Application references COM/3333979 & COM/3333989

- 3260m² and comprising broadleaved woodland and mixed scrub. There is no boundary fencing.
15. Parcel 4 is the smallest parcel at 750m². Triangular in shape, it comprises broadleaved woodland with Scots pine and sweet chestnut. Denoted by a shallow ditch, it lies about 700m southeast of the release land on the boundary of Woodbury Common and Lympstone Common (CL39).
 16. Parcel 5 is the biggest parcel situated about 600m south of the release land. Measuring 15,680m², it is a large block of mature conifer plantation. Although I observed some remnant fence posts, I did not see any post and wire fencing as described in the application. It borders Woodbury Common on three sides and is close to Lympstone Common to the south.
 17. Finally, parcel 6 is the closest area, adjoining part of the release land to the south. It is a rectangular block of conifer plantation amounting to 5070m².
 18. The replacement land is shaded in green on Drawing A and labelled parcels 1-6.

Application B

19. The works proposed comprise two elements. Firstly, it is proposed to lay a length of approximately 550m of underground cable which would form part of the proposed connecting cable from the battery storage plant to the point of connection onto the National Grid Energy Distribution network. It is proposed to excavate a trench to a depth of 1.5m and width of 1m broadly following the route of Woodbury Bridleway 11. Thereafter, the trench would be back filled and the bridleway surface reinstated. It is estimated that this would take 2-3 days' work to complete.
20. In addition, a purpose-built bat hibernaculum is proposed close to the proposed release land in Application A. This would involve the introduction of a permanent 6m x 5m rectangular structure, The single storey building would be built into earth banks to the sides and rear and would have a slate pitched roof.

Representations and Objections

21. Two representations per application were made in response to the notices of the respective applications, albeit that in some cases these were combined. In relation to Application A, a further representation was received after the deadline given in the notice.
22. Having regard to the Deregistration and Exchange of Common Land and Greens (Procedure) (England) Regulations 2007 (the Regulations), I must consider the representations received within the requisite time period. Whilst not obliged to consider the late representation, I am not aware that the Regulations expressly prohibit its consideration or remove any discretion to do so. I am satisfied no one would be prejudiced by my taking it into account as part of my determinations.
23. Returning to the substance of the representations received, Natural England (NE) raises no objection in principle to either application. In relation to Application A, they consider the release land is of limited ecological value with public access restricted, whereas the replacement land would provide a larger and more suitable area for public access. In this respect they welcome the

applicants' commitment to dedicate the replacement land under section 16 of the CROW Act.

24. In relation to Application B, NE acknowledge the connection to, and their previous involvement as statutory consultee with, the battery energy storage facility development. They confirm that as part of the planning application an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations) was undertaken. As part of that process, NE considered that the development in that case would not have an adverse effect on the integrity of any European habitat sites. This finding was subject to the mitigation works associated with that development being carried out in accordance with the planning conditions. With respect to the cabling works, NE consider the works should minimise any impact on recreational users. They further consider that the bat hibernaculum would have a limited impact on public access and the landscape.
25. The Open Spaces Society (OSS) refer to the extent of replacement land and present lack of public access to the release land as strong factors in support of Application A. They consider that the section 106 agreement securing a dedication instrument relating to public access, and the removal of fencing should be entered into prior to the issue of any consent, or alternatively made a conditional part of any consent order. They also note that the existing commons are open to horse riding under general licence and suggest that the section 16 dedication instrument is also used to permanently lift any restriction on horse riding. The OSS raised no objection to the proposed works in Application B.
26. The Devon Countryside Access Forum consider Application A to represent a beneficial and sensible rationalisation of small pockets of land which would then have formalised common land status and public access. They confirm that the industrial area at Blackhill Quarry has not had public access for many decades, and it mostly constitutes hardstanding with no particular conservation value. As such they support the proposal to deregister and exchange common land.

Assessment

27. In determining the applications, I have had regard to the Department for Environment, Food and Rural Affairs Common Land consents policy, November 2015 (the 2015 Guidance) published for the guidance of both the Planning Inspectorate and applicants.
28. Paragraph 3.2 sets out overall policy objectives to protect commons. Of relevance to Application A is the outcome that the stock of common land and greens is not diminished so that any deregistration of registered land is balanced by the registration of other land of at least equal benefit. It goes on to set the outcome that works should take place on common land only where they maintain or improve the condition of the common or where they confer some wider public benefit and are either temporary in duration or have no significant or lasting impact. This has direct relevance to Application B.

The interests of those occupying or having rights over the land

29. Mr I J and Mrs S Sargent of Furze House are the only registered commoners for Woodbury Common. They have rights to cut heather for bedding and some timber for the repair of fences. In addition, they have grazing rights for modest

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Application references COM/3333979 & COM/3333989

numbers of specified animals. The evidence before me indicates that these rights are not exercised. On that basis, neither application would adversely affect the rights of the commoners.

30. In any event, given the industrial use, fencing and excepted nature of the release land, in practical terms the commoners would be unable to exercise such rights in relation to it. The replacement land proposed in Application A would provide a greater quantity of more suitable land. Hence, it would be in the interests of commoners. Moreover, the temporary trenching works and provision of a small ecological facility proposed in Application B would be unlikely to present any notable obstacle to the exercise of such rights across the registered common unit.
31. Blackhill Engineering Services Limited have a leasehold interest in part of the release land. However, written confirmation that they raise no objection to either application dated 26 October 2023 is provided. I consider that they are best placed to judge the likely impact on their interests, and I have no basis to find to the contrary.
32. Therefore, overall, and in relation to both applications, I am satisfied that the interests of those occupying or having rights over the land would not be adversely affected.

The interests of the neighbourhood

33. The 2015 Guidance indicates that the issues to be considered in this context include whether the exchange or construction of the works would prevent local people from using the common in the way they are used to, and whether or not there would be an interference with the future use and enjoyment of the land as a whole. It also provides for positive benefits to be taken into account.
34. Given the predominantly rural context of Woodbury Common, nearby settlements are few and small in scale. It follows that this curtails the number of local people likely to reside in the neighbourhood. This is reinforced by available survey evidence that indicates that users of the area primarily travelled from some distance away and visited mostly for recreational purposes. Nevertheless, the use of the area by small numbers of local people cannot be ruled out, and where this is the case, their use of Woodbury Common would probably be more frequent.
35. Application A would provide considerably more replacement land than would be released. Significantly, the replacement land would not be excepted from public access. Furthermore, the UU provided would ensure a voluntary dedication of exchange land as access land. In effect, this would mean that the CROW Act access rights would apply immediately without needing to wait until the conclusive map is reviewed and exchange land added. As such, local people (along with the public) would benefit from increased access to common land, which would also be conveniently situated adjacent to existing common land, nearby public rights of way and recreational routes.
36. In relation to Application B, the trenching associated with the underground cabling would temporarily disrupt access along a linear stretch of common land. Nevertheless, this would be for a short period, with access available thereafter. The presence of the proposed bat hibernaculum would prevent access onto a 30m² area of common land, which represents a very small area in the context

of the registered unit. Moreover, as its purpose is to support populations of bats, if anything, its use by protected species would probably enrich the experiences of local people (and others) when using the common for recreational enjoyment.

37. Accordingly, there is nothing before me to indicate that there would be any significant adverse effect on the interests of the neighbourhood. Nor is there any basis to conclude that the proposed exchange or works would interfere with the future use and enjoyment of the common by local people, rather the opposite.

The public interest

The protection of public rights of access

38. As previously mentioned, the release land is not accessible to the public. In contrast, the six replacement parcels of land would become accessible to the public, as when the conclusive map is reviewed, they would constitute 'access land' for the purposes of the CROW Act. Hence, even in the absence of a voluntary dedication, the replacement land represents an improvement on the present situation.
39. Nevertheless, the obligation in the UU that requires the applicants to enter into a dedication instrument in accordance with section 16 of the CROW Act would secure immediate public access to the replacement land. Hence, it would not be necessary to wait for the conclusive map to be reviewed. Given the uncertain timeframe of such a review, this weighs considerably in favour of the proposed exchange. Moreover, given that the extent of replacement land is also considerably larger than the release land, there would be a notable gain in the area available for public access.
40. My observations were that all the parcels of replacement land are free of boundary fencing, with shallow ditches and earth bunding, where present, presenting little physical hindrance to public access. Although none appeared to be present, the UU provides an obligation to remove any fencing on the replacement land.
41. The six parcels of land are well related to and contiguous with other common land, and close to public rights of way. These are factors which would facilitate easy public access.
42. The applicants indicate that although they do not intend to include access on horse or bicycle as part of the dedication instrument required by the UU, they would grant permissive access insofar as it would mirror those applicable to the surrounding common land. This is reflected in a separate obligation contained in the UU. I am satisfied that this approach would be consistent with public rights of access elsewhere on Woodbury Common and adjoining common land.
43. The trenching proposed in Application B would temporarily disrupt access along a bridleway, but this would be for a short period with the surface restored thereafter. I am mindful that there are specific legislative requirements that also apply to any obstruction to a public right of way.
44. The bat hibernaculum proposed would represent a modest structure, made unobtrusive by earth banks to the sides and associated planting. Nevertheless, its presence would prevent public access onto an area measuring 30m². The

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applicants calculate that this equates to a 0.001% reduction in the useable area of Woodbury Common. Hence, the practical impact on public access would be negligible.

45. Moreover, paragraph 5.8 of the 2015 Guidance asks whether the works are consistent with the use and enjoyment of the land as common land. Therefore, in addition to physical access, it is also reasonable to consider the enjoyment derived from experiencing common land. Under the heading of 'Protecting commons- our policy objectives', paragraph 3.1 of the 2015 Guidance refers to safeguarding commons for current and future generations to use and enjoy and improving the contribution of common land to enhancing biodiversity and conserving wildlife. In these respects, the provision of the bat hibernaculum would be consistent with the use and enjoyment of the land as common land. The provision of a refuge for protected species, could in many instances enhance the public enjoyment of the common.
46. Taking these factors together, Application A represents a marked improvement to public rights of access whereas there would be a minor degree of localised harm in respect of the works in Application B.

Nature conservation and biodiversity

47. The release land, replacement land and the area that would be affected by the proposed works are located either within or adjacent to the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI), the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and the East Devon Heaths Special Protection Area (SPA). The SSSI is a national designation, whereas the SAC and SPA are habitats recognised under the Habitat Regulations. The designations reflect the importance of the lowland heath habitat and its associated flora and fauna, which includes rare and vulnerable species of birds.
48. The applications before me form part of a wider project to deliver a battery energy storage facility. The noise, lighting and activity arising from the development and its construction (including the cabling works) would be likely to result in some disturbance to wildlife, including birds. Hence, it was found during the recent planning application process, that there was a risk of a significant effect on the internationally important interest features of the SAC and SPA. As such, the project was the subject of an Appropriate Assessment under the Habitat Regulations as part of the planning application, which considered mitigation measures.
49. As part of that process, consultation was undertaken under Regulation 63(3) of the Habitat Regulations. Natural England outline their response in that case, confirming that the mitigation measures proposed would be sufficient to avoid an adverse impact to the integrity of the SAC and SPA. The mitigation measures included the creation of additional heathland, additional native planting, bat boxes and the provision of Great Crested Newt (GCN) and bat hibernacula. Such measures were secured by way of planning conditions. The applicants have confirmed that the mitigation measures have been delivered save for the bat hibernaculum, which is the subject of Application B.
50. The submitted Preliminary Ecological Appraisal confirms that the release land is of low ecological value which is consistent with its industrial usage and level of hardstanding. The replacement parcels comprise a mix of conifer woodland or

plantation, broadleaved woodland and mixed scrub. By comparison they are richer in ecological terms. In combination with the increase in area, this would result in a net gain to the biodiversity of Woodbury Common. Hence, Application A would further the interests of nature conservation and biodiversity, which weighs in its favour.

51. In terms of the works proposed in Application B, there would be no loss of heathland or woodland habitat to the SAC or SPA. The trenching works would take place along a bridleway, the surface of which I observed to comprise a mixture of tarmac and gravel. Hence, vegetation is sparse making it unlikely that the physical incursion would directly harm wildlife. Avoidance measures to protect GCN and badger during the short construction period are secured as part of the planning permission. A fenced buffer would be used to safeguard hedgerows from accidental damage. Works would take place outside of the nesting season for birds. In addition, there are planning conditions imposed on the planning approval that require the agreement of a Construction and Environment Management Plan as well as an Arboricultural Impact Assessment and method statement to be provided. This would secure tree protection measures along the route of the cabling works, including the section that is the subject of Application B. Taking these factors together, it is unlikely that the temporary works would have any notable adverse impact upon biodiversity or nature conservation.
52. As indicated above, the provision of the bat hibernaculum forms part of the necessary mitigation measures associated with the planning permission. It comprises a specially designed roosting area (including a maternity roost) that is likely to support the maintenance and probable expansion of the local bat population. Hence, this element of Application B would be of direct benefit to nature conservation and biodiversity.

Conservation of the landscape

53. The release land, replacement land and areas of proposed works all fall within the East Devon National Landscape (EDNL) (previously known as the East Devon Area of Outstanding Natural Beauty). The special qualities of the EDNL include its diversity as it encompasses coastline, woodland coombes, river valleys and expanses of heathland.
54. My observations of the release land were that the profile of its landform, presence of hardstanding and utilitarian buildings were somewhat at odds with the surrounding land, where natural features prevail. Hence, it contributes little to the special qualities of the EDNL. The likely effects on the EDNL arising from the approved battery energy storage facility were considered in depth as part of that process. However, insofar as Application A is concerned, the inclusion of a greater quantity of replacement land which also lies within the EDNL and where natural features dominate, would assist in conserving and increasing the landscape value of Woodbury Common.
55. In relation to Application B, the cabling works were considered as part of the Landscape and Visual Appraisal prepared for the approved planning development. This found that the trenching would be unlikely to cause any substantial long-term landscape effects to the bridleway concerned, as the trench would be back filled with the surface reinstated, and replanting undertaken.

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56. The modest scale and earth banking to the sides of the proposed bat hibernaculum, together with scrub planting would minimise the visual effects on the landscape character of this part of Woodbury Common. Nevertheless, there would be a small, localised harmful effect given that it would introduce built form onto land where there is presently none. Overall, Application B would cause a minor degree of localised harm to the landscape.

Archaeological remains and features of historic interest

57. There are no listed buildings or scheduled monuments on the release land, replacement land or the area of the proposed works. The nearest scheduled monument lies about 20m away from of replacement land parcel 4 within Lympstone Common and there would be little change to its surroundings arising from either application. Accordingly, there is little basis to consider that either proposal would result in any material harm to archaeological remains or features of historic interest.

Other relevant matters

58. The main impetus for both applications is to allow the approved battery energy storage facility to proceed. The facility could complement intermittent sources of energy, such as wind and solar energy by helping to avoid fluctuations in electricity supply. Hence, it is probable that it would support the more efficient use of renewable energy and thereby assist in a transition to low carbon energy. As such, the facility would align with national and local objectives in relation to energy use and measures to address climate change. This wider public benefit is relevant to my determinations and weighs moderately in favour of permitting them.

Conclusions

59. Having regard to the statutory criteria and 2015 Guidance, Application A would increase the stock of common land. Furthermore, for the reasons outlined above, I am satisfied that the replacement land would be of greater benefit than the release land. I do not find that there are any relevant matters which indicate that the application should be refused.
60. In relation to the works in Application B, there would be a minor degree of localised harm to public access and conservation of the landscape. In the case of the proposed cabling this would be temporary. In relation to the bat hibernaculum, it would concern a very small area such that the harmful effects would be negligible. Weighed against that harm is that it would benefit the conservation of a protected species. Moreover, the measures would be likely to yield wider public benefits in terms of energy policy. The sum of those benefits is sufficient to tip the balance in favour of the works.
61. Consequently, on balance, I find that the works in Application B would maintain the condition of the common or they confer some wider public benefit and are either temporary in duration or have no significant or lasting impact.
62. Therefore, having regard to all matters raised in the applications and written representations, I find that consent for an exchange of common land should be granted, and an Order of Exchange given in respect of Application A; and that consent should be granted in respect of the works in Application B.

Helen O'Connor

Inspector

Application A

Consent Order

On behalf of the Secretary of State for Environment, Food and Rural Affairs and pursuant to section 17(1) and (2) of the Commons Act 2006, **I HEREBY ORDER** Devon County Council, as commons registration authority for the area in which the release land and the replacement land are situated:

- (a) to remove the release land from its register of common land, by amending register unit CL136 to exclude the release land;
- (b) to register the replacement land as common land, by amending register unit CL136 to include the replacement land; and
- (c) to register as exercisable over the replacement land (in addition to remaining exercisable over the remainder of the land comprised in register unit CL136) any rights of common which, immediately before the date on which the release land is removed from the register, are registered as exercisable over the release land and the remainder of the land comprised in register unit CL136.

First Schedule – the release land

Colour On Plan – Drawing A	Description	Extent
Shaded red	Land at Blackhill Quarry (Parcel 7 on Drawing A).	16,910m ²

Second Schedule – the replacement land

Colour On Plan – Drawing A	Description	Extent
Shaded green	Land at or near Blackhill Quarry comprising six constituent parts: Parcel 1 – 7950m ² northeast of release land Parcel 2 – 1320m ² east of release land Parcel 3 – 3260m ² southeast of release land Parcel 4 – 750m ² southeast of release land Parcel 5 – 15,680m ² south of release land Parcel 6 – 5070m ² southwest of release land	Total 34,030m ²

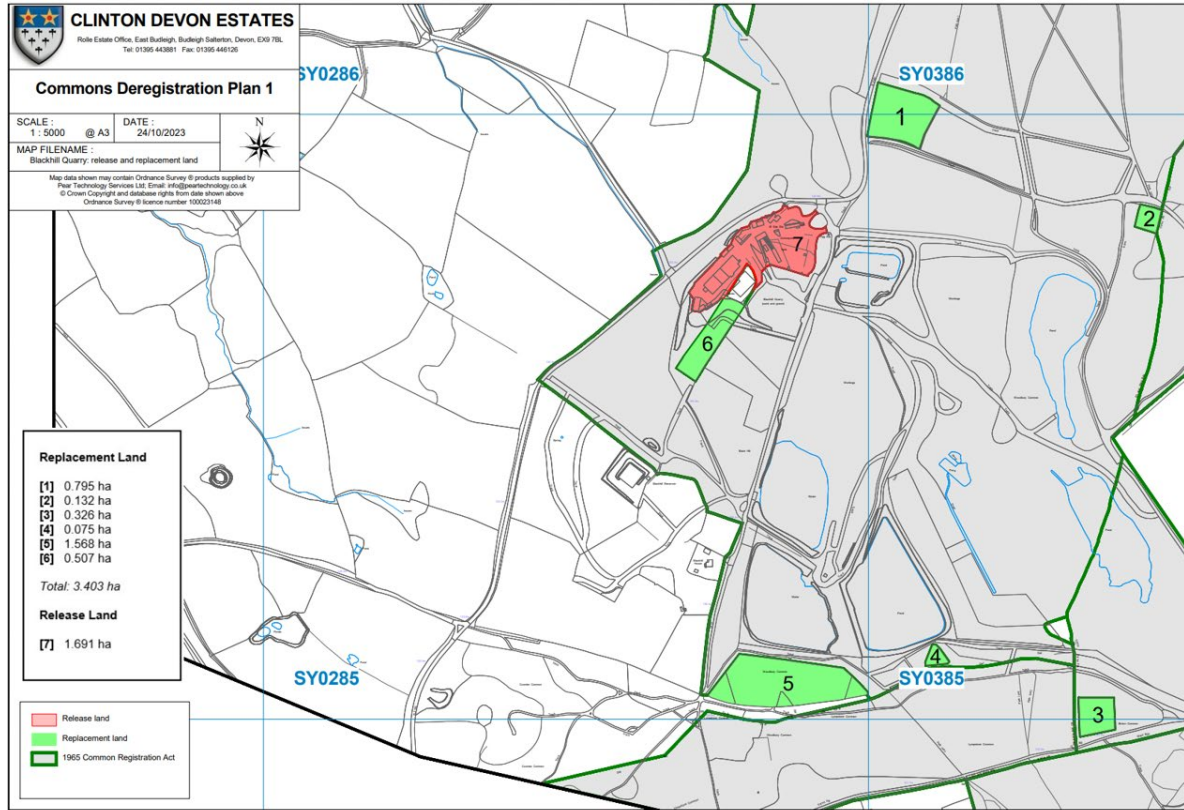
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Application references COM/3333979 & COM/3333989

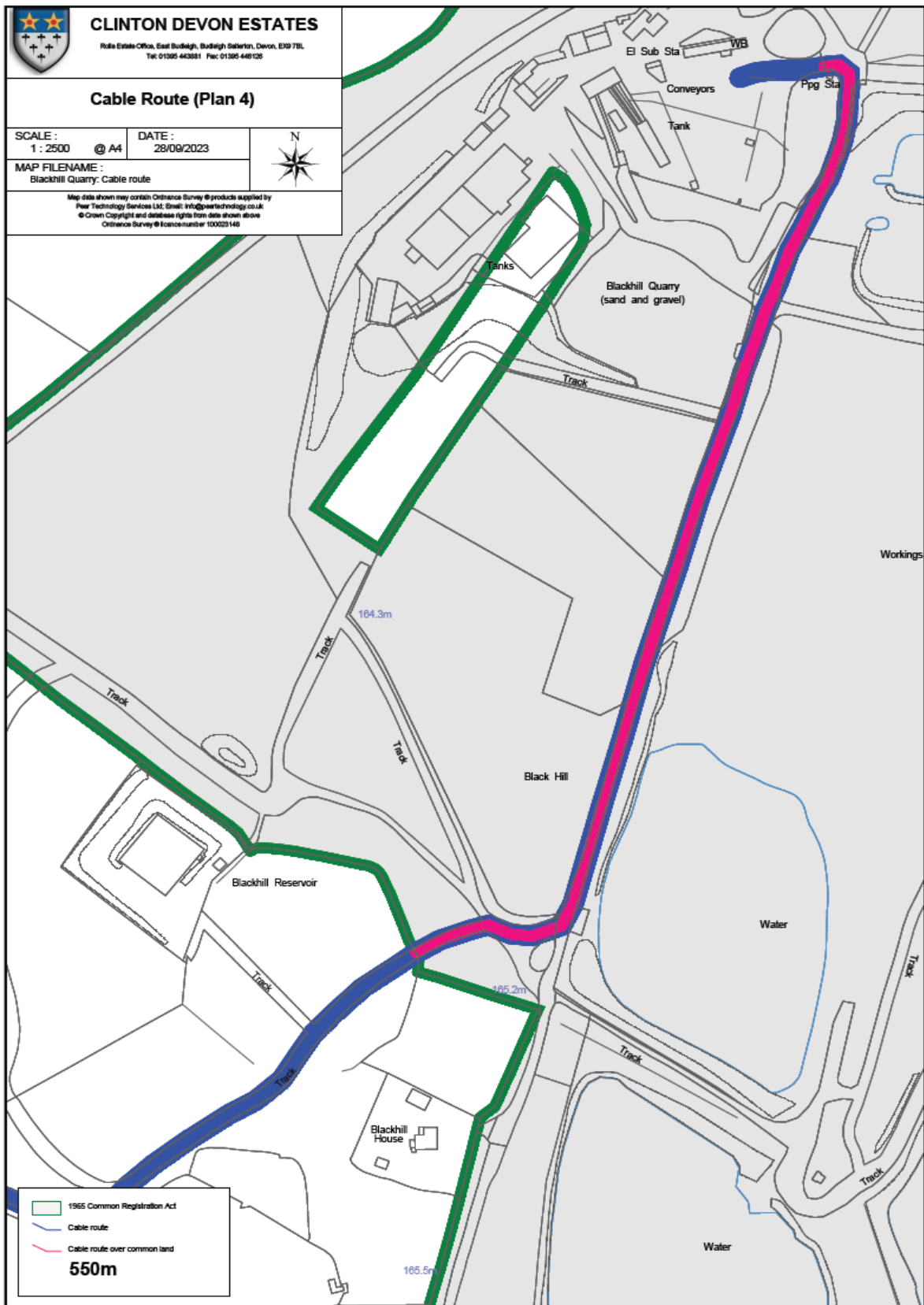
Helen O'Connor

Inspector

Drawing A – Copy of Application A plan (not to scale)



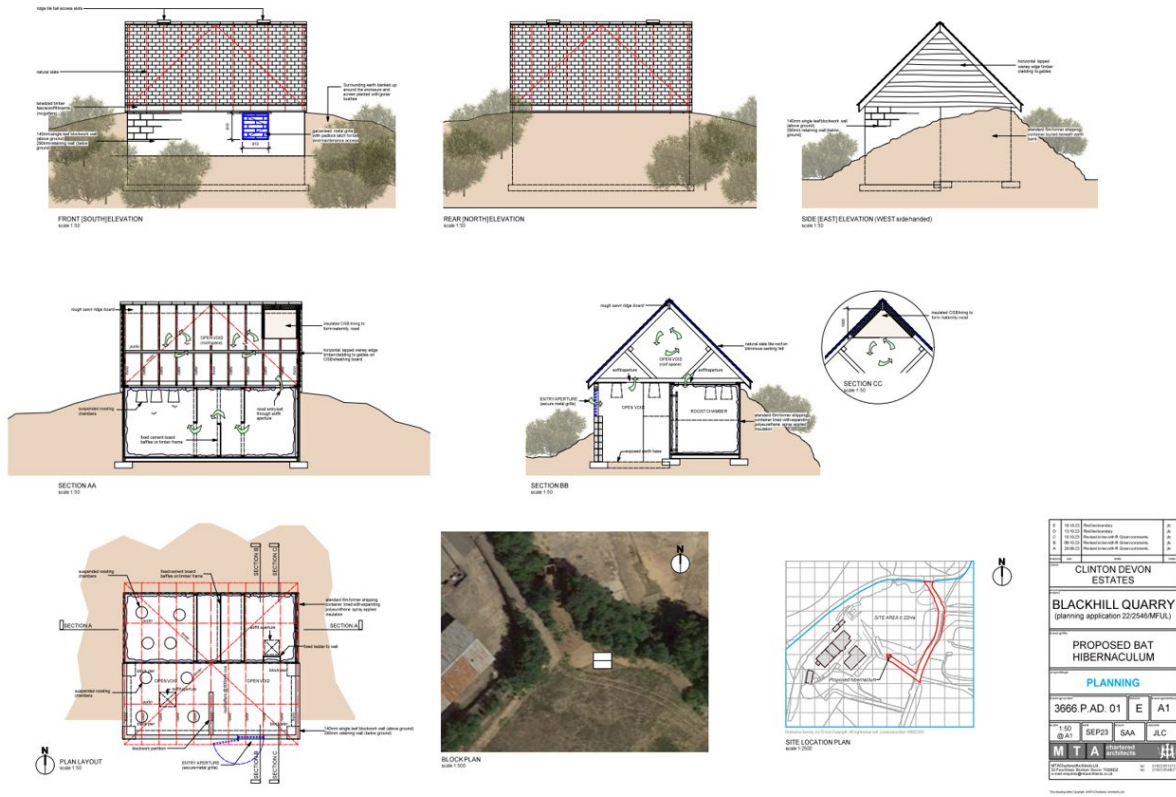
Drawing B – Copy of Application B plan, underground cabling (not to scale)



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Drawing C – Copy of Application B plan, bat hibernaculum (not to scale)



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			and Country Parks Manager and suggested contact is made with the Dartmoor Access Forum. Richard Walton sent response citing process and policy around maintenance of multi-use trails in the County, undertaken by the PRow team.
5	Member of public 28.05.24	Requesting removal of stile on footpath on own private land.	Discussed with warden and referred person to Dartmoor National Park as the stile is within the Park.
6	Transport Planning DCC 30.05.24	Bus-rail integration at Barnstaple Railway Station.	Forum Officer attended webinar and discussed with Chair. Decision made not to respond as primarily focused on layout improvements around the station and positioning of bus stops.
7	Woodbury Parish Council 8.06.24	Consultation on Neighbourhood Plan. Regulation 14 statutory consultation.	Discussed with Chair and Vice Chair and sent a brief response noting there is no reference to the importance of recreational access or amenities within the Plan policies. Woodbury parish benefits from both footpaths and bridleways and has parts of the Exe Estuary Trail and Pebblebed Heaths within the parish. The proposed Clyst Valley Regional Park includes a potential trail and other recreational access opportunities. Position statement on Neighbourhood Plans plus ones on Planning and Disability Access sent to inform the development of the Neighbourhood Plan.
8	Green Lane Association 28.06.24	Advising of landslip on green lane in East Devon.	Referred to warden to ensure this had been notified.

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9	Bishop Clyst Parish Council 25.06.24	Neighbourhood Plan for Clyst St Mary and Sowton. Regulation 14 consultation.	Discussed with Chair and Vice Chair. A brief response was sent highlighting multi-use and access for all users, on new trails in particular. The Plan referred solely to walking and cycling in respect of the proposed Clyst Valley Trail. Devon County Council's aspiration for the proposed trail is that it would be a "multi-use trail suitable for people walking, cycling, using wheelchairs or mobility scooters and, where feasible, horse riders." Reference to policy C14 on multi-use in the Rights of Way Improvement Plan (DCC 2023) was made.
10	Teignbridge District Council 11.07.24	Teignbridge District Council Local Plan Examination. Attaching three documents from the Examination Inspectors – ID-01 Examination Guidance Note ID-02 Examination Matters, Issues and Questions ID-03 Preliminary Hearing Programme	For information.
11	East Devon District Council 5.08.24	Survey to inform East Devon District Council's first Tree, Hedge and Woodland Strategy.	Discussed with Chair and circulated to East Devon based DCAF members. Specific questions and aimed at local residents. Agreed that not appropriate for a wider DCAF response.

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.



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Devon Countryside Access Forum Greenspace Position Statement

Introduction

The Devon Countryside Access Forum has developed this position statement to inform planning applications and planning policy.

A number of defined green spaces are recognised by Government. In the context of the Devon Countryside Access Forum's remit the main areas are:

- parks and gardens – including urban and country parks;
- natural and semi-natural green spaces – including woodlands, access land, grasslands, wetlands, areas of open and running water, beach and foreshore;
- green corridors – including canal and river banks, cycle ways, recreational trails and rights of way;
- amenity green space – including informal recreation spaces, green space in and around housing and town or village greens; and
- accessible countryside in urban fringe areas.

The National Planning Policy Framework identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places. Green infrastructure is defined as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Greenspace is important for health and wellbeing, providing physical, psychological and social benefits. These benefits are increasingly researched and demonstrated, alongside economic benefits and savings to the NHS. Figures suggest that investing in accessible green space yields health and wellbeing benefits to residents and visitors that exceeds the cost of provision. For example, the former Fields in Trust commissioned research to value the benefits - see [fields-in-trust-revaluing-parks-and-green-spaces-summary.pdf](#) (greenflagaward.org) Public Health England advises that interventions that improve access to green spaces are likely to help local areas reduce health inequalities – see [Improving access to greenspace: 2020 review](#) (publishing.service.gov.uk)

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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Greenspace provision

- a) Developers should seek to include a variety of greenspace that caters for different types of users.
- b) High quality walking and cycling routes should link housing to schools, shops, employment areas, recreational and sports facilities and rights of way.
- c) Circular routes within settlements should be developed to encourage healthier lifestyles and minimise car use.
- d) There should be a high degree of connectivity between greenspace areas.
- e) Where possible, the character and amenity of existing greenspace of good quality should be incorporated into the development.
- f) Maintaining and seeking improvements to biodiversity, alongside provision of greenspace, should be a key target.
- g) Heritage assets within greenspace areas should be protected and enhanced.
- h) Surfaces and use of materials should be appropriate for the intended use and respect the character of the surrounding environment. For example, it may be appropriate to have a hard tarmac surface for key routes for all users, including cyclists and disability users. Elsewhere, softer surfaces more in keeping with the environment could be adopted and allow use by other recreational access users such as horse riders.
- i) Greenspace should be perceived as safe with good lines of visibility. Lighting may be appropriate along certain paths. Areas should not encourage crime, fly-tipping or anti-social behaviour.
- j) Places for children, areas for quiet enjoyment and a variety of spaces such as woodland and water bodies should be incorporated.
- k) Dog walkers are the major access group. Consideration should be given to planning for dogs in new developments to reduce fouling issues. A useful reference for planning for dogs is [planningfordogownership.pdf \(hants.gov.uk\)](#)
- l) Any path furniture, such as gates, should be suitable for disability users. See the DCAF's position statement on disability access. www.devon.gov.uk/dcaf
- m) Resting places, such as benches, are an important part of 'furniture' and help to make green space more accessible and enjoyable to those with health/mobility challenges.
- n) Greenspace does not have to be fully accessible to provide health and well-being benefits as landscape views still have value.
- o) Provision of greenspace should consider the impact on adjoining areas not designated as amenity areas. For example, implications for farmed land which may experience trespass or dog incidents.
- p) The Management Plan for any development should recognise the intrinsic importance of the existing highway network (including public rights of way), verges and heritage features as assets for the public to appreciate the landscape and access other recreational opportunities. These assets are part of a Natural Capital approach, for example Devon is appreciated for its sunken lanes, hedgerows and verges rich in flora.

Amount of greenspace

Developers should aspire to meet the Natural England standards for accessible natural greenspace. These were revised in 2023. [Green Infrastructure Standards for England Summary \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/summaries/green-infrastructure-standards-for-england)

The Green Infrastructure Headline Standards states everyone should have access to good quality green and blue spaces close to home for health and wellbeing and contact with nature, to meet the Accessible Greenspace Standards, with an initial focus on access to green and blue spaces within 15 minutes' walk from home.

The Accessible Greenspace Standards define good provision based on different size proximity, capacity and quality criteria as set out below.

Category of Accessible Greenspace	Actual walking distance	Name of criterion	Accessible Natural Greenspace	Size criteria (minimum)	Approximate walking/cycling time
1. Small greenspace close to home: either a Doorstep or Local Greenspace	200m	Doorstep Greenspace	N	0.5 ha	Less than 5 minutes
As above	300m	Local Natural Greenspace	Y	2 ha	5 minutes
2. Medium sized greenspace within 1 km	1 km	Neighbourhood Natural Greenspace	Y	10 ha	15 minutes
3. Medium large Greenspace within 2km	2 km	Wider Neighbourhood Natural Greenspace	Y	20 ha	35 minutes
4. Large greenspace within 5km from home	5 km	District Natural Greenspace	Y	100 ha	15 – 20 minutes cycling from home
5. Very large Greenspace within 10km from home	10 km	Sub-regional Natural Greenspace	Y	500 ha	30 - 40 minutes cycling from home

Notes:

- Distances given are actual walking distances. Actual walking distance will be measured through network analysis in due course. However, in the meantime, the Green Infrastructure Mapping

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uses a straight line distance from home to the boundary of the greenspace in analyses of the AGS standards.

- Where possible all greenspaces should be accessible by public transport and or safe active travel routes.
- The Accessible Greenspace Standards do not cover formal sports provision, for which Sport England is responsible; nor play provision, which is covered by Play England.
- The above figures use a walking speed of 60 metres per minute, which is the average for people of 60 years and teenagers. It uses a cycling speed of 20 kilometres per hour as an average for inexperienced cyclists.

Linear routes connecting areas of greenspace, or crossing greenspace that might not be accessible, are also important.

Future maintenance and use of greenspace

Developers and local authorities should seek to ensure that areas of greenspace can be maintained in good condition for the future. Initial funding through section 106 or the Community Infrastructure Levy may not include maintenance. Ongoing financial contributions or a ring-fenced fund will be required.

Residents, particularly in new developments, may be unfamiliar with accessing greenspace. Financial provision for mentors and rangers to initiate events and encourage responsible use of greenspace may be required and this should be included in funding proposals. Groups who do not traditionally access greenspace could be a focus, for example teenagers.

The Devon Countryside Access Forum is a statutory local access forum set up under the Countryside and Rights of Way Act 2000. Its members are volunteers, appointed by Devon County Council, who provide independent advice on “the improvement of public access to land for the purposes of open-air recreation and enjoyment”. The Forum currently has nineteen members who represent the interests of landowners/land managers, access users and other interests such as tourism and conservation.

DCAF
June 2024



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Areas of Outstanding Natural Beauty

Devon Countryside Access Forum

POSITION STATEMENT Access and Recreation

The Devon Countryside Access Forum is a statutory local access forum under the Countryside and Rights of Way Act 2000. Its remit is to provide 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...” Its geographical area of coverage is Devon, with the exception of the Unitary Authority areas and National Parks which have their own forums.

The DCAF currently has sixteen members, appointed by Devon County Council, who represent the interests of access users, landowners/managers and other areas of expertise such as health and conservation.

The Position Statement on AONBs has been prepared in order to provide a consistency of advice across the five AONBs within Devon. Section 94 of the Countryside and Rights of Way Act makes it a statutory function of forums to give advice to specified bodies, including Areas of Outstanding Natural Beauty Conservation Boards.

The DCAF considers the following aspects to be important in the Management Plans for the AONBs.

Vision Statement

The Devon Countryside Access Forum recognises the function and primary purpose of the AONBs. It supports a vision conserving and enhancing the natural beauty and landscape of the AONB. Opportunities to appreciate the tranquillity of the AONB and enjoy the scenery through quiet enjoyment should be the focus of chapters on access and recreation.

Essential criteria

The AONB Management Plan should identify the extent of recreational opportunities in the AONB, within the context of the overall Plan. This should include the length of public rights of way, area of access land, important

The Devon Countryside Access Forum 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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recreational trails and routes and other opportunities for recreational access such as beaches, country parks, permissive access and Forestry Commission, National Trust and Woodland Trust land.

The Management Plan should recognise the intrinsic importance of the existing highway network (including public rights of way), verges and heritage features as assets for the public to appreciate the landscape and access other recreational opportunities. These assets are part of a Natural Capital approach, for example Devon is appreciated for its sunken lanes, hedgerows and verges rich in flora.

Objectives and Policies

These are inter-linked. The DCAF has identified the following aspects as key matters which AONBs should include within their Management Plans. AONBs should:

Maintenance and improvement

- a) liaise with the local highway authority over opportunities to sensitively enhance access and remedy deficiencies for particular groups of users, for example disabled users. The DCAF has developed a [Disability Access Position Statement](#)
- b) refer to the legal role of the local highway authority in maintaining public rights of way, unsurfaced unclassified County roads (uUCRs) and cycle/multi-use routes;
- c) demonstrate how it will develop a partnership with authorities and others to deliver priorities;
- d) refer to the role of Parish Paths Partnership (P3) groups and other voluntary groups in maintaining public rights of way and other areas of land enjoyed by the public;
- e) work with the local highway authority and other partners to identify funding sources to enable access improvements to take place.
- f) liaise and consult with landowners when new routes are proposed;
- g) encourage suitable surfacing of multi-use routes to permit access by all users. Routes should be compatible with the landscape and sensitive to the location.
- h) seek to work with partners to improve the safety of access users, particularly on roads or where rights of way join roads;
- i) refer to the Rights of Way Improvement Plan (DCC, 2005) and the Devon Countryside Access Forum. The Devon Countryside Access Forum is a statutory local access forum under the Countryside and Rights of Way Act 2000, with a remit to provide independent advice on the “improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” Members of the DCAF represent the interests of access users, landowners/managers and other areas of expertise.

Promotion and economic and health benefits

- j) work with the local highway authority and other partners to promote quiet, sensitive and sustainable recreational activities within the AONB;
- k) encourage people to spend time in the landscape and spend money in the local economy;

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- l) promote activities, including organised activities, which support the physical, psychological and social health of residents and visitors to the AONB;
- m) maximise opportunities to encourage recreational access participation by those with disabilities or health conditions, for example supervised access for those with learning difficulties, dementia walks and improvements to disabled access;
- n) support community involvement and engagement in the work of the AONB, such as in volunteering;
- o) take a leading role in advising and educating the public on responsible use and enjoyment of the AONB, including in new and diverse ways such as digital;
- p) work in partnership with others to help deliver and encourage use of sustainable transport to reach and explore the AONB, for example walking, cycling, horse-riding and public transport;
- q) work with partners to seek funding to promote and deliver economic and health benefits.

Other matters

- r) recognise the expertise and opportunities available through working with the Local Nature Partnership;
- s) work with planning authorities to secure developer contributions towards green infrastructure and associated facilities;
- t) work with parish and town councils, particularly around neighbourhood planning and its delivery;
- u) ensure website information is up-to-date and accurate and identify links to associated information, for example access guides;
- v) ensure policies within the Management Plan support these objectives and include details on potential partners;
- w) ensure that local distinctiveness of the AONB area is maintained when improvements are sought, for example stone stiles and bridges;
- x) include measurable indicators to measure progress on priorities.

Whilst recognising the local distinctiveness of each AONB, the DCAF would value and encourage AONBs to adopt a unified format for their AONB Management Plans.

The DCAF has developed statements on planning related priorities for public rights of way and access; liaison with landowners/managers when new routes are proposed; disability access and Neighbourhood Plans. It has also done work for Devon County Council on developing a policy for multi-use of routes and associated design standards.

PUBLIC RIGHTS OF WAY COMMITTEE

11 July 2024

Present:-

Councillors L Hellyer (Chair), R Chesterton (Vice-Chair), D Barnes, J Brook and D Thomas

Apologies:-

Councillors I Chubb, M Squires and D Sellis

97 **Declarations of Interest**

* 98 **Minutes**

RESOLVED that the minutes of the meeting held on 7 March 2024 be signed as a correct record.

* 99 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 100 **Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 22 April 2024.

* 101 **Parish Review: Definitive Map Review - Parish of Littleham 2023-24**

The Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/50) which examined the current proposal arising from the definitive map review in Littleham.

On 24 March 2005 the Committee resolved that a Modification Order be made for the status of footpath. Due to local requests prior to this Order being made, a dedication agreement was sought to record the route as a bridleway. This was not successful, but for reasons not known, the Modification Order as resolved, was not made.

As an Order had not been made following the Committee resolution in 2005, the proposal was again considered by the Committee at the meeting held on 23 November 2023. The Committee resolved that a Modification Order be

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PUBLIC RIGHTS OF WAY COMMITTEE

11/07/24

made for the status of footpath. Additional evidence was then received within six months of the Committee meeting indicating that status should be bridleway, and in line with current policy has been assessed promptly rather than being deferred to the end of the parish by parish review process

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

RESOLVED: that a Modification Order be made to modify the Definitive Map and Statement by adding a bridleway along Upadown/Shutta Lane, Littleham between points A - B, as shown on drawing number CCET/PROW/23/78 (Proposal 1). This will update the resolution made by this Committee on 23 November 2023 and 24 March 2005.

* 102 Parish Review: Definitive Map Review 2009 - Parish of Halberton Part 1

The Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/51) which examined the route arising out of the Definitive Map Review in the parish of Halberton in mid Devon.

It was noted that a second proposal would be heard at a future Public Rights of Way Committee meeting.

The original Halberton Parish Survey under Section 27 of the National Parks and Access to the Countryside Act 1949 identified 37 paths. Paths were reviewed and 19 were withdrawn or omitted as they were considered to be private. After publication of the draft definitive map, 8 paths received objection and 4 footpaths were subsequently recorded with 2 substantially shortened in length. A total of 14 footpaths were subsequently recorded on the Definitive Map and Statement with the relevant date 9 June 1964. Footpath 71 was transferred from Uplowman parish following construction of the A361 and change to the parish boundary.

It was noted that the proposal was within Tiverton East and Councillor Slade had been consulted.

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

RESOLVED: that a Modification Order be made to modify the Definitive Map and Statement by the addition of a Public Footpath between points E - F and G – H as shown on plan number CCET/PROW/24/23.

* 103 Schedule 14 application - Parish of Chardstock

The Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/52) which examined a proposal arising from a schedule 14 application to add a footpath along Stockstyle Lane.

A Definitive Map Review of the Parish of Chardstock was conducted between 1987 and 1991. The proposal had not been put forward during the review and it had not appeared in any previous reviews. A Schedule 14 application was submitted and was added to the register for determination once the parish by parish review had been completed. Due to the likelihood of an appeal to the Secretary of State for non-determination of the application, and because public access along the route had been blocked, it was decided that the application be considered out of turn.

During general discussion, Members noted that there was no evidence that users had been challenged prior to a gate being installed within the land by an adjacent landowner.

In response to a question about the gate, Members heard that currently, if accepted that public rights subsist, the gate is an unlawful obstruction. However, Devon County Council as highway authority may authorise a gate for livestock management on land used for agricultural purposes, or may provide a gate for safety or enhancing amenity of the public right of way. Members were keen that permission for the gate be regularised and suggested that a suitable application be invited by the landowner, and that if submitted, such an application be supported.

It was **MOVED** by Councillor Thomas **SECONDED** by Councillor Hellyer and

RESOLVED: that a modification order be made in respect of proposal one (claimed footpath along Stockstyle lane, between Chardstock footpath 24 and the unclassified County Road, points A - B on the proposal map CCET/PROW/24/7).

* 104 **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/24/53).

* 105 **Public Path Diversion and Definitive Map and Statement Modification Orders**

The Committee considered and **NOTED** the report of the Director of climate Change Environment and Transport (CET/24/54) and plans CCET/PROW/23/66 and CCET/PROW/23/03 which informed that a public

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PUBLIC RIGHTS OF WAY COMMITTEE

11/07/24

path diversion and definitive map and statement modification orders had been made and confirmed under delegated powers.

* **106** **Public Path Orders**

The Committee **NOTED** the report of the Director of Climate Change Environment and Transport (CET/24/55) on the Public Path Orders made and confirmed under delegated powers.

107 **Rights of Way Improvement Plan**

The Committee considered the report of the Director of Climate Change Environment and Transport (CET/24/56) which examined progress of reviewing the Rights of Way Improvement Plan (Devon on the Move, Rights of Way Improvement Plan version 3).

The review of objectives and policies had commenced in 2022 and had been undertaken in consultation with relevant organisations and groups and the document was endorsed by the Devon Countryside Access Forum at their April 2024 meeting. The review is completed on a 10 year cycle, lastly in 2012.

The main purpose of the document is to set out the key principles to inform and steer maintenance and improvement of the public rights of way and wider access network across Devon. Objectives and policies will influence service priorities, working practises and action plans to enhance and extend the network.

The improvement plan considers a number of elements including: meeting the present and likely future needs of the public; and opportunities provided for exercise and other forms of open air recreation and enjoyment.

It was noted in regards to the policy on Schedule 14 applications that Secretary of State direction may also require that applications and claims be considered outside of the parish by parish review process.

It was **MOVED** by Councillor Hellyer, **SECONDED** by Councillor Chesterton and

RESOLVED: that objectives and policies for the Devon Rights of Way Improvement Plan be updated as set out in the appendix to the report.

108 **Dates of future meetings**

The next meetings of the Committee to be held on 14 November 2024 and 6 March 2025.

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PUBLIC RIGHTS OF WAY COMMITTEE

11/07/24

NOTES:

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 3.00 pm

King Charles III England Coast Path (KCIIECP) - Commencement of new access rights between Minehead and Combe Martin

By email 31.07.24

Dear Sir or Madam

You may recall that since 2015 Natural England has been planning improvements for public access along a 35 mile stretch of the Exmoor coast. On 21 March 2021 the Secretary of State for Defra approved our proposals and Exmoor National Park Authority has subsequently completed the necessary works on the ground to make the route accessible to the public.

I am writing to inform you that the new access rights on this stretch of coast commence on 31st July 2024. The new access rights relate to the King Charles III England Coast Path (KCIIECP) and an associated coastal margin over which the public have a right of access, subject to local restrictions and exclusions. These rights will be brought into force by an Order made under section 3A of the Countryside and Rights of Way Act 2000.

King Charles III England Coast Path Senior Officer
Devon, Cornwall and Isles of Scilly Area Team
Natural England
Sterling House, Dix's Field
Exeter, EX1 1QA

King Charles III England Coast Path (KCIIECP) - Commencement of new access rights between Kingswear and Lyme Regis

By email 31.07.24

Dear Sir or Madam

You may recall that since 2015 Natural England has been planning improvements for public access along a 68 mile stretch of the Devon coast. On 21 March 2021 the Secretary of State for Defra approved our proposals and Devon County Council and Torbay Council have subsequently completed the necessary works on the ground to make the route accessible to the public.

I am writing to inform you that the new access rights on this stretch of coast commence on 31 July 2024. The new access rights relate to the King Charles III England Coast Path (KCIIECP) and an associated coastal margin over which the public have a right of access, subject to local restrictions and exclusions. These rights will be brought into force by an Order made under section 3A of the Countryside and Rights of Way Act 2000.

King Charles III England Coast Path Senior Officer
Devon, Cornwall and Isles of Scilly Area Team
Natural England
Sterling House, Dix's Field
Exeter, EX1 1QA

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Further information:

<p>Maps and documentation pertinent to the new path and margin at Minehead to Combe Martin</p>	<p>www.gov.uk/government/collections/england-coast-path-minehead-to-combe-martin</p>
<p>Maps and documentation pertinent to the new path and margin at Kingswear to Lyme Regis</p>	<p>https://www.gov.uk/government/collections/england-coast-path-kingswear-to-lyme-regis</p>
<p>Information and maps about the new path as part of the family of National Trails.</p>	<p>Find your perfect trail, and discover the land of myths and legend - National Trails</p>
<p>Queries relating to day-to-day management of the trail</p>	<p>Contact Devon County Council . 0345 155 1004 https://www.devon.gov.uk/prow/</p> <p>Contact Exmoor National Park Authority 01398 323665 (Select Option 2) https://www.exmoor-nationalpark.gov.uk/enpa/contact-us</p> <p>Torbay Council 01803 701310 https://www.torbay.gov.uk/leisure-sports-and-community/parks/prow/</p> <p>Contact Natural England's Open Access Contact Centre on:</p> <ul style="list-style-type: none"> • 0300 060 2091 • openaccess@naturalengland.org.uk
<p>Queries or information relating to restrictions or exclusions of coastal access rights over the trail or coastal margin.</p>	<p>Further information can be found on:</p> <p>www.gov.uk/guidance/manage-your-land-on-the-england-coast-path</p> <p>www.gov.uk/guidance/open-access-land-and-the-coastal-margin-how-to-restrict-public-access</p>
<p>General queries regarding coastal access</p>	<p>Contact the Natural England Enquiries Team on:</p> <ul style="list-style-type: none"> • 0300 060 3900 • enquiries@naturalengland.org.uk <p>www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast</p>

DIRECTION NOTICE RESTRICTION OF PUBLIC ACCESS UNDER THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

The relevant authority, Natural England, gives this direction for the purposes of nature conservation under section 26 of the Countryside and Rights of Way (CROW) Act 2000 to give effect to the exclusion detailed below.

This direction is to be read in conjunction with the separate site notice bearing the case number below.

Case number: 2022049691

Site name: Dawlish Warren

Date of issue: 31 July 2024

Expiry date: 31 July 2030

Period of restriction/exclusion

Access is to be excluded at all times in the way described below.

Nature of restriction

Public access by virtue of section 2(1) of CROW to the land detailed below is to be excluded.

Land affected

The site notice which accompanies this direction shows the land affected by this exclusion in red hatching and the route to which the access rights are confined. This area coincides with the area of the Dawlish Warren Wildlife Refuge designated by Exe Estuary Management Partnership.

Access to the coastal margin is to be excluded by direction all year round under s26 of the Countryside and Rights of Way Act (2000). The exclusion will have no legal effect on land where coastal access rights do not apply.

Grid reference: SX 9812 7973

Reason why this direction has been given:

The relevant authority, Natural England, is satisfied that exclusion of the access rights to the extent specified is necessary for the purpose of protecting sensitive species.

Information and conditions which apply to this direction

1. This direction only affects the availability of public access rights conferred by virtue of section 2(1) of CROW. It has no effect on public rights of way over the same land, or on

Agenda Item 11.

existing open access rights of the type listed at CROW section 15, or on any other access right, tradition or custom, or any uses of the land permitted or tolerated by the landowner.

2. It has no effect on any area within the specified land that is not otherwise subject to the access rights described above, for example it has no effect on land which is excepted under Schedule 1 to CROW.

3. If, for any reason after the giving of this direction, exclusion is no longer necessary for the purpose specified, or no longer necessary to the extent (or at any of the times) specified under the direction, a representative of Exe Estuary Management Partnership should immediately notify the Open Access Contact Centre. The direction will then be revoked or varied as appropriate in the circumstances.

Revocation or variation of direction

4. Natural England may vary this direction by giving a further direction at a later date or revoke this direction if it considers this necessary.

Review of direction

5. Natural England will review the need for this direction within five years of the date of issue shown at the top of this notice and, subsequently, within five years of the date of the last review, until the direction is revoked or expires, as required by CROW section 27(3).

Further contact

For further information on restrictions and exclusions of public access to CROW access land or coastal land, write to the Open Access Contact Centre at:

Open Access Contact Centre
Natural England
Third Floor
Horizon House
Deanery Lane
Bristol
BS1 5AH

or by telephone on 0300 060 2091 or e mail at openaccess@naturalengland.org.uk.

Natural England

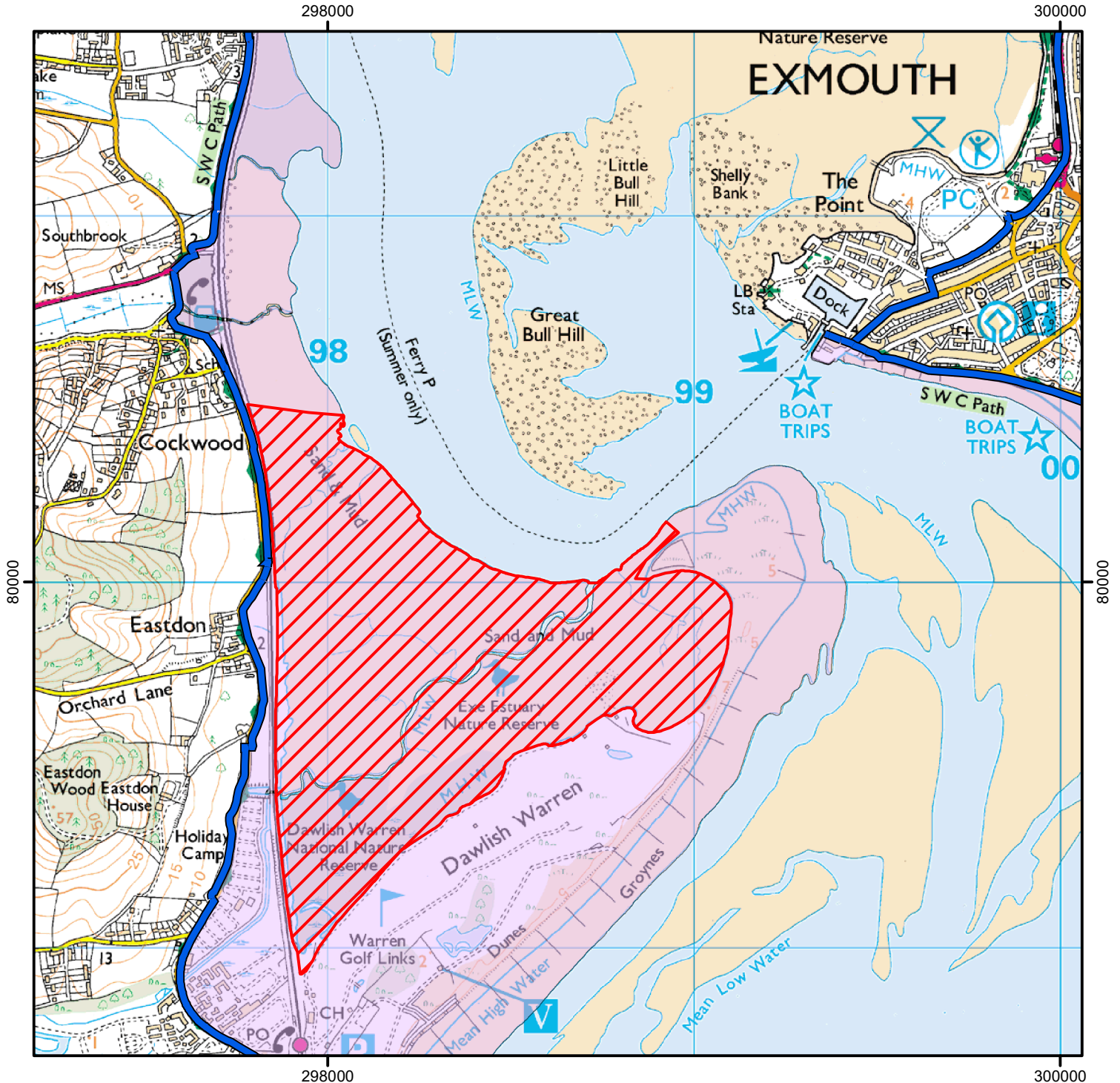


NO ACCESS TO COASTAL MARGIN

To protect sensitive wildlife the coastal margin shown hatched in red on the map below is closed.

The King Charles III England Coast Path remains open for use. This does not affect permissive or traditional rights.

Case Number: 2022049691



0 400 800 Metres

King Charles III England Coast Path

Coastal Margin Exclusion

Coastal Margin

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DIRECTION NOTICE RESTRICTION OF PUBLIC ACCESS UNDER THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

The relevant authority, Natural England, gives this direction as the land specified is unsuitable for public access under section 25A of the Countryside and Rights of Way (CROW) Act 2000. to give effect to the exclusion or restriction detailed below.

This direction is to be read in conjunction with the separate site notice bearing the case number below.

Case number: 2022049692

Site name: Otter Estuary

Date of issue: 31 July 2024

Expiry date: 31 July 2074

Period of restriction/exclusion

Access is to be excluded at all times in the way described below.

Nature of restriction

Public access by virtue of section 2(1) of CROW to the land detailed below is to be excluded.

Land affected

The site notice which accompanies this direction shows the land affected by this exclusion in red hatching and the route to which the access rights are confined.

Access to the saltmarsh and mudflat is to be excluded by direction all year round under s25A of the Countryside and Rights of Way Act (2000). The exclusion will have no legal effect on land where coastal access rights do not apply.

Grid reference: SY 0759 8219

Reason why this direction has been given:

The relevant authority, Natural England, is satisfied that exclusion of the access rights to the extent specified is necessary because the saltmarsh and mudflats are unsuitable for public access.

Information and conditions which apply to this direction

1. This direction only affects the availability of public access rights conferred by virtue of section 2(1) of CROW. It has no effect on public rights of way over the same land, or on existing open access rights of the type listed at CROW section 15, or on any other access right, tradition or custom, or any uses of the land permitted or tolerated by the landowner.

2. It has no effect on any area within the specified land that is not otherwise subject to the access rights described above, for example it has no effect on land which is excepted under Schedule 1 to CROW.

Revocation or variation of direction

3. Natural England may vary this direction by giving a further direction at a later date or revoke this direction if it considers this necessary.

Review of direction

4. Natural England will review the need for this direction within five years of the date of issue shown at the top of this notice and, subsequently, within five years of the date of the last review, until the direction is revoked or expires, as required by CROW section 27(3).

Further contact

For further information on restrictions and exclusions of public access to CROW access land or coastal land, write to the Open Access Contact Centre at:

Open Access Contact Centre
Natural England
Third Floor
Horizon House
Deanery Lane
Bristol
BS1 5AH

or by telephone on 0300 060 2091 or e mail at openaccess@naturalengland.org.uk.

Natural England

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NATURAL
ENGLAND

NO ACCESS TO COASTAL MARGIN

The coastal margin shown hatched in red on the map below is closed as it is mudflat and saltmarsh unsuitable for public access.

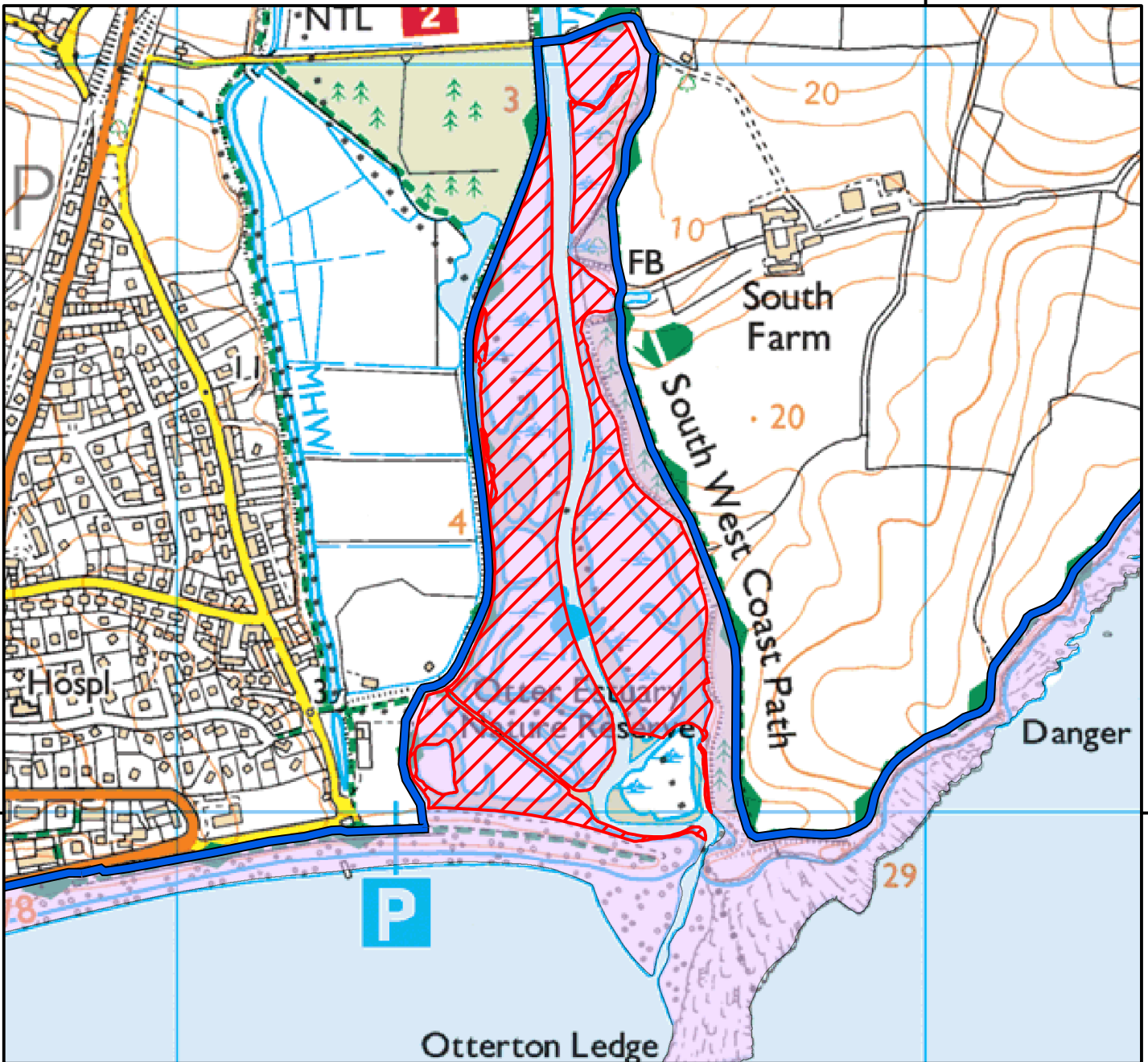
The King Charles III England Coast Path remains open for public access.

This does not affect Public Rights of Way and permissive or traditional rights.



Case Number: 2022049692

308000



82000




82000

308000



0 200 400 Metres

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-  King Charles III England Coast Path
-  Coastal Margin Exclusion
-  Coastal Margin





Devon Countryside Access Forum
c/o Public Rights of Way team
Great Moor House
Bittern Road
Sowton
EXETER EX2 7NL

Tel: 07837 171000
01392 382771

devoncaf@devon.gov.uk

www.devon.gov.uk/dcaf

EAPC consultation team
Third Floor
Great Minster House
33 Horseferry Rd
London SW1P 4DR

25 April 2024

Dear Sir/Madam

Smarter regulation: proposed changes to legislation for electrically assisted pedal cycles.

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice “as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice, and this includes the Secretary of State for Transport.

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.

The Devon Countryside Access Forum considered this consultation at its meeting held on 22 April and is submitting comments on a limited number of questions in response.

Question 1

Do you support or oppose the proposed change to how EAPCs are classified so that the maximum continuous rated power of the electric motor must not exceed 500 watts instead of 250 watts as set out in the current regulations?

Devon Countryside Access Forum members had mixed views on increasing the maximum continuous rated power. Additional cycle power would add significantly to the

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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range and number of people that could use electrically assisted pedal cycles and access various locations more easily. This would be of particular benefit in a county such as Devon where hills drastically reduce cycle usage. There would be health and well-being benefits, as well as pollution improvements, if more people used EAPCs as a means of sustainable transport.

However, some members took the view that increasing the power could have a significant impact on rural areas and in particular a diminution of the experience of isolation. Current access is seen as sufficient without losing the integrity of such areas. The main benefits may well be in urban areas but there could be unintended consequences in rural areas. It is recognised that it would not be possible to have a legislative distinction between urban and rural areas.

It is noted that if businesses and individuals require more than 250 watts, a throttle rather than pedal assist and higher top speeds, they can already buy an electric cycle, cargo bike or moped and ride it legally provided it has a licence, insurance and an MOT if required.

Question 2

Explain your response to question 1. Are there any additional benefits or risks (including in relation to road safety) not referenced in this document?

Use of higher powered EAPCs on routes which are predominantly recreational, such as trails, byways and bridleways, could impact on other users, such as walkers, dog walkers, horse riders and disabled users. Any collision between EAPCs and other users could be more severe due to the increased weight of cycles. It is acknowledged that battery weight is likely to decrease over time due to technological improvements.

Question 4

Do you support or oppose the proposed change to allow EAPCs to have throttle assistance up to 15.5mph (25km/h) without the need for type approval, instead of 3.73mph (6km/h) as currently regulated?

Some members of the Devon Countryside Access Forum strongly supported throttle control as this provided significant benefits, particularly for anyone with disabilities. However, use of EAPCs at a consistently high speed on bridleways, byways or on recreational trails could impact on the enjoyment of other users, such as walkers and horse riders. This could be an issue too on shared-use paths where cyclists pedal alongside pedestrians. In addition, such users are likely to connect less with nature and have a less peaceful and more transitory experience.

Question 5

Explain your response to question 3. Are there any additional benefits or risks (including in relation to road safety) not referenced in this document?

Use of EAPCs on routes which are predominantly recreational, such as trails, byways and bridleways, could impact on other users and any contact between users could be more severe due to the increased weight and speed of cycles. Cyclists can already have

an impact, particularly if approaching without warning, but the potential increase in number, weight and sustained speed of cycles could exacerbate such issues.

Question 7

Do you support or oppose limiting either or both of the proposals to disabled people with impairments that affect their mobility and who would benefit from the proposals? If applicable, provide views on which disabled people the proposals should apply to. Explain your response and provide any relevant evidence.

Devon Countryside Access Forum members agreed it would be difficult to support limiting either of the proposals to disabled people. This would be hard to define and police and would require specific disability legislation. Equity issues would be apparent if either or both the proposals were limited in this way.

Question 8

Do you support or oppose limiting either or both of the proposals to e-cargo bikes? If applicable, provide views on how e-cargo bikes could be defined for these purposes. Explain your response and provide any relevant evidence.

The Devon Countryside Access Forum did not have strong views on this. Cargo bikes are more likely to be used in more urban areas. A suggestion is that there could be a weight limit for cargo bikes.

Question 9

Provide any relevant evidence in response to the questions in the [impact assessment](#) – see paragraph 33.

The Devon Countryside Access Forum notes that the impact assessment makes no reference to off-road use by EAPCs which can currently be used on bridleways, byways, and trails, for example the Exe Estuary Trail, Tarka Trail and Drake's Trail.

In terms of the benefits of exercise through access to the countryside and rural recreation, one of the unintended consequences could be that people get less exercise by giving up walking and traditional cycling for the use of an e-bike. By way of anecdotal evidence, one member cited the example of a bike hire shop in the Cairngorms he had used for traditional bike hire for 25 years no longer stocking pedal cycles, only e-bikes, thus reducing choice and opportunity.

The Highway Code 63. states that people cycling in shared spaces should “not pass pedestrians, horse riders or horse drawn vehicles closely or at high speed, particularly from behind.” Cyclists with more powerful EAPCs and with throttle control introduces a new element which is relevant to this consultation.

In the absence of discussion about changes to the Highway Code etc., the Devon Countryside Access Forum advises that the government should consider how the importance of perception of safety for pedestrians and multi-use trail etiquette will be managed if higher powered bikes are permitted.

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One member identified some potential risks associated with manufacturing. Most other countries including Europe countries and New Zealand have the same rules for pedal assist bicycles. They must be no more than 250-watt motors, must be pedal assisted, and only power assisted to 15 MPH. If the UK adopts higher power products/bikes it is likely the imports could be of less regulated models of more dubious build quality which may result in more battery fires. Bosch and other quality motor manufacturers are unlikely to produce something just for the UK market.

It would be helpful to receive updates on this consultation and subsequent actions.

Yours faithfully

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

Hilary Winter
Forum Officer

Letter sent on behalf of the Devon Countryside Access Forum

Chair: Sarah Slade

Vice Chair: Chris Cole



**Devon Countryside Access Forum
c/o Public Rights of Way team
Great Moor House
Bittern Road
Sowton
EXETER EX2 7NL**

**Tel: 07837 171000
01392 382771**

devoncaf@devon.gov.uk

www.devon.gov.uk/dcaf

Ms Angela King MRTPI
Planning Policy team
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate,
Honiton
EX14 1EJ

24 June 2024

Dear Ms King

East Devon Local Plan Further (Regulation 18) Consultation

The Devon Countryside Access Forum would like to make the following comments on the above consultation. These will be formally approved at its next meeting on 23 September.

Clyst Valley Regional Park

The Devon Countryside Access Forum welcomes the aspiration to provide additional green space and linear routes in the area to the East of Exeter and connectivity between different areas. The overarching intention and initiatives are worthy of strong support and will potentially lead to biodiversity and other benefits.

The Devon Countryside Access Forum notes that the list of sites suggests that they will all provide A: Active and Healthy Places. The DCAF continues to have concerns about the term Regional Park. It feels this is a misnomer and could lead to high expectations from the public who may expect to access all the area and have a park type experience. Much of the area is private land including working farms, some tenanted. The concept of a regional park, and where land is accessible, needs to be clearly understood.

As the Devon Countryside Access Forum has previously mentioned, the future maintenance of both accessible green space and linear routes is critical to their success as outdoor space that people will enjoy using over a long period of time. Standards need to be good and consistent. The maintenance is critical, particularly for boardwalks,

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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surfacing and other access scheme elements within flood plain areas (a significant percentage of the proposed park area). It is often easier to get capital money to develop a project, but mechanisms need to be considered for long term maintenance, whether this is a Trust Fund, some form of management company or local authority involvement. This needs to be established at the outset.

The Devon Countryside Access Forum has developed a position statement on Greenspace and this is attached.

Coastal Preservation Area

Policy - Coastal Preservation Areas

Land around the coast and estuaries of East Devon, as identified on the Policies Map, is designated as a Coastal Preservation Area. The Coastal Preservation Area is defined on the basis of visual openness and views to and from the sea.

Development or any change of use will not be allowed if it would damage the undeveloped/open status of the designated area or where visually connected to any adjoining areas.

Appropriate proposals which increase public access to the coast will be supported.

The DCAF supports this policy and recognises the importance of the visual openness and views to and from the sea for recreational access and enjoyment of public rights of way and the coast path. In line with previous advice, the DCAF would support appropriate proposals which increase public access to the coast, particularly between Lyme Regis and Seaton (Area 1) where access from inland to the South West Coast Path / King Charles III England Coast Path is extremely poor.

This letter constitutes formal advice from the Devon Countryside Access Forum. East Devon District Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this Forum in carrying out its functions. Feedback on its comments would therefore be much appreciated.

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 county and district 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
c/o Public Rights of Way team
Great Moor House
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EXETER EX2 7NL**

**Tel: 07837 171000
01392 382771**

devoncaf@devon.gov.uk

www.devon.gov.uk/dcaf

Mr A Hill
Planning Development Manager
Climate Change, Environment & Transport
Devon County Council
County Hall
Topsham Road
Exeter EX2 4QD

15 July 2024

Dear Mr Hill

Lower Brenton Farm planning application DCC/4337/2023

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.

The Devon Countryside Access Forum has considered the revised application for the landfill site at Lower Brenton Farm. Its response to the initial planning application is attached for information and to be cross-checked against the revised proposals. The additional comments below will be on the agenda for formal approval at the next DCAF meeting on 23 September.

The DCAF notes that the revised application no longer mentions a temporary fence on the phasing plan and the reference to the temporary cow track has been removed.

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CRoW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.



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The Forum also notes the additional signage, extended visibility splay and dry ramp cleaner relating to lorries crossing Shillingford Lane. The Forum welcomes steps to mitigate safety implications for cyclists using Brenton Road and other affected routes. However, the revised application does not adequately address the primary concerns related to safety and amenity previously raised.

The Forum notes and endorses the concerns raised by Teignbridge District Council in their response dated 20.6.24 with particular reference to:

- The importance of existing footpaths /bridleways in the locality, all the more so given the significant current and potential residential development in the area.
- The negative impact the landfill site would have on the level of amenity these public rights of way currently offer, which would discourage their use.

Furthermore, the Forum advises that that the 'stock proof fence' detail should ensure that barbed wire is installed on the outer face of the posts, away from the footpath users, especially where there are double fences in close proximity to the footpath. Ideally there should be no barbed wire and, if absolutely necessary, a plain wire strand should be added to the inside of the posts at the level of the highest barbed wire strand. This may help people if they slip. Where a path is double fenced management and maintenance can be difficult. Fencing should be as far away from the public rights of way users as practicable.

These comments constitute formal advice from the Devon Countryside Access Forum and Devon County Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions. Feedback would be appreciated.

Yours sincerely



Hilary Winter
Forum Officer

Letter sent on behalf of the Devon Countryside Access Forum

Chair: Sarah Slade

Vice Chair: Chris Cole

Forestry England Proposal for new woodland at Quoditch, near Ashwater

Devon Countryside Access Forum response

Response ID ANON-X32M-8T5Y-4
Submitted to New woodland - Quoditch
Submitted on 2024-07-26 14:33:40

Introduction

1. What is your name?

Hilary Winter, Forum Officer, Devon Countryside Access Forum

2. What is your email address?

hilary.winter@devon.gov.uk

3. What is your postcode?

EX2 7NL

4. Are you responding as?

Other stakeholder: Devon Countryside Access Forum

Feedback

5. Please use this space to add feedback or questions on the proposed plans.

The Devon Countryside Access Forum welcomes proposals Forestry England have made to develop a new woodland at Quoditch, particularly given their commitment to dedicate this new woodland for recreational access under the CROW Act. The Forum would like to raise several points:

1. The plans show a number of paths. The grass surface of many of the paths across the wood suggests that these may get muddy and may not be available all-year round. It would be useful to provide well-drained and surfaced paths in keeping with the woodland environment yet allowing access for those with mobility scooters, powered wheelchairs, wheelchairs and pushchairs.

2. There is also reference to access through existing gates. It would be helpful to have details of the design of these gates (and other gates/gaps through hedgerows within the woodland) to ensure that they are suitable for disabled users. A width of 1.5m is required.

3. It is not clear whether this proposal will secure public access along the existing track (not maintainable at public expense) between Quoditch and the northern

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section of new woodland (English oak research plot), although it is mentioned that this track will be improved. It would be helpful if the status and use of this track could be clarified.

4. Forestry England is asked to identify ways in which circular walks can be developed between the northern and southern sections of new woodland, recognising that the proposals currently identify a potential link only via the existing north-south track from Quoditch. There do not appear to be any paths identified in the northern oak area of woodland.

5. The Forum notes the larger expanse of woodland, Quoditchmoor Plantation, situated immediately to the north. Forestry England is advised to explore ways in which public access may be secured between the proposed new woodland and this plantation to link neighbouring woodland areas and achieve greater recreational and environmental benefits. The Forum seeks to secure additional benefits for cyclists and horse-riders wherever possible and linking to neighbouring woodlands might enable multi-use to be achieved, thereby allowing more groups of users to benefit.

6. Although it is a small woodland, the nearby roads are narrow and it would therefore seem expedient for the design to make provision for a small car park to avoid any obstruction on the adjacent road and verges, or at least to allow this to be provided should the need arise. The proposed signs discouraging parking may not be adequate.

This response will be on the agenda at the next Forum meeting on 23 September for formal approval. The comments are in line with advice given previously and Forum position statements.

These comments constitute formal advice from the Devon Countryside Access Forum and the Forestry Commission is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions. Feedback would be appreciated.

(The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice "as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area..." Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice, and this includes the Forestry Commission and the Secretary of State for any Government Department.

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.

Chair: Sarah Slade

Vice Chair: Chris Cole

Quoditch Wood

Consultation report and our response to issues raised

August 2024



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1. Executive summary

Between 8 July and 28 July 2024, we held a consultation on proposals for the designs of a new woodland at Quoditch. The new woodland is in northwest Devon, next to the hamlet of Quoditch and 5.5 miles from Holsworthy. The woodland will be open to the public and provide a quiet space for people to enjoy alongside thriving wildlife and sustainably grown timber.

The design proposals we consulted upon were informed by site surveys and early engagement with statutory stakeholders as well as the local community.

We received 14 responses to the consultation, including responses from residents and stakeholders. The majority of the feedback was supportive, others highlighted concerns about our proposals, raised questions or made suggestions.

After carefully considering the responses, we are making the following changes and amendments to our proposals for the new woodland:

- We propose to include a scrape in the Southwest of the site, subject to checking the land to ensure the location is suitable. This is a small shallow area that would temporarily hold water and benefit various wildlife species, particularly birds, amphibians and invertebrates.
- We have made changes to the designs to retain existing views across the landscape.
- We've increased the proportion of broadleaves in some areas to bring additional variety, colour and texture.

Over the coming weeks, we will be finalising our designs to reflect these changes, ahead of an application to the Forestry Commission for regulatory review before we can begin to create the new woodland.

This report outlines our approach to our consultation and engagement with the local community and other key stakeholders, summarises the key concerns, issues and questions raised, and our response.

2. About the Consultation

2.1 Introduction

Forestry England is creating a new woodland on land we have bought at Quoditch in Devon. The land was previously used for grazing and will provide a thriving woodland which will be planted with a mix of tree and shrub species, including mixed conifer and broadleaf trees, specially selected to be resilient to future climate conditions. The new woodland will be a 'Coronation Wood' to celebrate the Coronation of His Majesty King Charles III.

The new woodland will have public access for visitors, providing a high-quality green space for people to explore and enjoy, a valuable wildlife habitat, and a sustainable source of timber for a green economy.

The consultation invited views from the public and stakeholders on our proposals for the planting and design of the new woodland.

Feedback will help to shape and inform our final designs which will be submitted to the Forestry Commission for permission to create the new woodland.

2.2 Purpose

The aims of the consultation were to:

- Provide the public and our stakeholders with sufficient information about our proposals to allow informed responses and suggestions.
- Understand the reasons for any issues or concerns raised about our proposals.
- Identify issues we might not already be aware of.
- Provide adequate time for people to respond.
- Consider all responses carefully ahead of making any changes to our proposals.

2.3 Early engagement

In April 2024, we wrote to neighbours at 18 addresses close to the site for the new woodland.

The letter invited people's views on the issues important for us to consider as we develop our designs for the creation of a new woodland on land in Quoditch. We also wrote to Ashwater Parish Council. The letter included a map showing the boundary of the new site and invited responses via an online survey. We also invited direct neighbours to the site to get in touch with us by email so we could introduce ourselves and discuss the process of new woodland creation in more detail.

We received 10 responses to the early engagement, including a response from Ashwater Parish Council. Additionally, we had telephone or face to face discussions with the owners or occupiers of 3 neighbouring properties.

The feedback, together with further design and survey work and engagement with stakeholders, has helped to shape the design proposals we presented in the July 2024 public consultation.

2.4 How our consultation designs were informed by feedback to early engagement

Feedback to our early engagement included questions and concerns about issues including:

- Suggestions for the main entrance and access to the new woodland
- Concerns about an increase in parking in the local narrow lanes and an increase in local traffic
- Views and neighbouring properties
- Tree species and choices - avoid planting dense woodland, include a mix of hardwoods, native and broadleaved trees
- Woodland design suggestions included not planting too close to neighbouring properties to preserve natural light and refers to the West Devon Forest Plan
- Involve local schools in planting and ecological studies
- Questions about woodland management and timber harvesting

Appendix E describes how the designs presented at the public consultation responded to this feedback.

2.5 Public consultation - who we consulted

We invited local people who responded to our initial early engagement survey, as well as representatives from Devon County Council, Torridge District Council, County and District Ward Councillors and the MP for Torridge & Tavistock Constituency. We also contacted Ashwater Parish Council.

Other stakeholders we advised of the consultation included the Devon Wildlife Trust, Natural England and the Environment Agency.

A list of stakeholders we contacted are listed in **Appendix F**. Stakeholder responses are summarised in **Section 3.4** of this document.

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2.6 Dates and duration

The public consultation was open for 3 weeks from 8 July to midnight on the 28 July 2024.

2.7 What we asked

The consultation survey included one open question inviting written feedback or questions about our proposed plans for the new woodland.

We also asked respondents to give their name and email address and, where applicable, supply details of the organisation on whose behalf they were responding.

2.8 Methods of responding

Respondents to the consultation were invited to give their views by:

- Completing the questionnaire included on our website at: <https://consult.forestryengland.uk/forest-districts/quoditch-consult/>
- Email at: Woodland.creation@forestryengland.uk (where responding via the survey was not possible).
- Leaving comments or suggestions at the public information event held on Monday 22nd July between 4pm - 7pm at Ashwater Parish Hall, Ashwater, EX21 5EZ. (These have been summarised separately in **Section 3.3** of this report).
- Completing a paper survey at the public information event.

2.9 Overview of consultation responses

We received 14 responses to the consultation. 8 were submitted by completing the consultation online, and 6 were submitted by email or completed at the consultation drop in event. The responses were coded and categorised as either positive, negative/concerns, questions or suggestions.

2.10 Consultation materials and publicity

2.10.1 Consultation materials

We published consultation information about the new woodland on our website. This included:

- An overview of the new woodland creation programme and tree planting objectives.
- A site appraisal of the existing site - with photographs and maps to give context.
- An overview of the surveys undertaken and the objectives and principles that have informed our design proposals for the new woodland.
- An overview of planting types included in the proposals.
- Visuals of how the new woodland might look soon after planting and in the future.

- An overview of how feedback received to our early engagement had been incorporated into the designs presented in the consultation.
- Information on how to respond to the consultation.
- Comment boards at the consultation information drop in events inviting attendees to use sticky notes to leave comments about the proposals.

2.10.2 Consultation activity

We publicised the consultation in the following ways:

- **Media release:** Distributed to local news outlets.
- **News item and dedicated web page:** On the Forestry England website: [New woodland at Quoditch | Forestry England](#)
- **Emails:** Sent to over 20 people in the local area and stakeholders.
- **Posters:** Posters publicising the consultation were put up in public areas around Quoditch.
- **Consultation drop-in event:** We held a public information drop-in event on Monday 22nd July between 4pm - 7pm at Ashwater Parish Hall, Ashwater, EX21 5EZ. More than 35 people attended the event.

2.10.3 Analysis of consultation responses

Responses received by completing the survey or by email were analysed by assigning (or coding) the points made by each respondent to one or more codes within a code frame. Codes were organised by theme and separated into positive, concerns/negative, and questions or suggestions. Each code reflects a point raised by multiple individuals in a variety of ways. From this it was possible to count how many times respondents had raised the same or similar points.

3. About the responses

We received a total of 14 responses to the consultation: 8 via the online survey and 6 were submitted by email or by completing a feedback form at the consultation drop-in event.

We have summarised the comments into the following overarching themes:

Issue	Mentions
Parking and traffic	13
Access to the new woodland	9
Views	3
Tree species and planting	3
Flooding and water management	2
Community involvement	2
Birds, wildlife, and diversity	1

Comments discussed at the drop in event have been summarised separately in **Section 3.3** of this document.

3.1 Positive comments

General positive comments included:

- 1. Support for the new woodland:** Several responses expressed excitement and support for the creation of a new woodland, especially in commemoration of the Coronation of the King.
- 2. Biodiversity:** Positive remarks about the potential for biodiversity, including the introduction of wildflowers.
- 3. Environmental benefits:** The proposal is seen as beneficial for carbon sequestration, water quality improvement, and habitat enhancement. Mention of the benefit of woodland to improve water quality, flood risk, and water resources.

3.2 Key questions, suggestions and concerns

The key questions, suggestions and concerns from the consultation are listed below, starting with the ones mentioned the most.

- 1. Parking: Suggestions and concerns about the lack of a dedicated car park, fearing that visitors will park on narrow lanes and verges, causing congestion and noise.**

8 responses mentioned this as a specific concern, whilst 5 responses suggested the inclusion of a small car park as proposed signs to discourage parking may not be sufficient. In two cases obstructions or blocking access to property were mentioned.

- 2. Access to the new woodland: Concern about the accessibility of the site, particularly for wheelchairs, mobility scooters, horse riders and cyclists.**

5 responses mentioned concerns about accessibility to the new woodland, whilst 4 responses suggested improvements to paths and access. These included:

- Ensure access points are wide enough for horses to use the grass tracks
- Provide flat, surfaced paths for wheelchair and mobility scooter access
- Design gates to be suitable for disabled users (1.5m wide) and ensure paths are well-drained and surfaced
- Concern about access and parking behind a private garage
- Create circular walks connecting the northern and southern sections of the new woodland.

- 3. Views: Concern about the density and type of planting, particularly conifers, which might obstruct views and reduce light to nearby properties.**

3 responses raised this as a concern.

- 4. Tree species and planting: Suggestions to experiment with agroforestry and to increase the percentage of native species planted, include a mixture of soft and hard woods and ensure the stock is sourced and grown in the UK.**

3 responses suggested agroforestry and/or tree species.

- 5. Flooding and water management: Concern about existing issues with flooding off the fields and how the new woodland might impact water quality and pollution management.**

2 responses mentioned this as an issue or concern whilst also flagging the benefits the new woodland would bring to flooding and water management.

- 6. Community involvement: Suggestions to include the local community.**

Suggestions to include local schools to participate in tree planting, contributing to information boards and exploring ways to secure public access between the new woodland and neighbouring woodland areas, through community engagement and volunteering: 2 responses suggested community involvement and volunteering.

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7. **Birds, wildlife and diversity:** Presence of special species in the area, including hummingbird hawk moths and nightjars, and suggested adding a small pond and seeding the area with wildflowers to help maintain biodiversity.

1 response

3.3 Feedback from the consultation drop in event

Over 35 people attended the public information drop in event held on Monday 22nd July between 4pm - 7pm at Ashwater Parish Hall, Ashwater, EX21 5EZ

The event displayed the information already available to view on the website on large posters around the venue and Forestry England staff were on hand to talk about the proposals, answer questions or queries, and listen to any concerns from those attending. In addition, visitors to the event were invited to leave comments on feedback boards.

Key discussion points included:

- Suggestions for access to the new woodland from Prestacott
- Suggestions that hedges should be regularly maintained for nesting birds
- Concerns about dogs chasing livestock and suggestion to include boundary fencing
- Questions about deer and grey squirrel management as both are prevalent in the area
- Questions and concerns about species diversity and the proportion of coniferous planting
- Concerns about the loss of productive farmland
- Concerns that tall trees may affect views and light into properties
- Concerns about parking and traffic and suggestions to include a dedicated area for parking

Sticky notes posted on the exhibition boards reflected some of the comments above:

Comment	Mentions
<i>Concern about lack of parking/provide a car park/off road parking</i>	5
<i>Lack of public access points/include access via green lane near Prestacott</i>	2
<i>Concern about use of agricultural farmland and impact on food production</i>	1
<i>Concern about species diversity/proportion of conifer</i>	1
<i>Maintain roadside hedges regularly</i>	1

4. Our response to issues raised.

We have considered all the feedback we received to the consultation, and our responses to the key issues raised are set out in the tables on the following pages (Appendix A).

We have grouped the issues into broad themes for a more readily understood overview of the issues. Positive comments about the proposals have been noted, but for conciseness, these have not been included in the tables.

Following further design work and in response to consultation feedback, we have made the following changes to our proposed designs for the new woodland:

- We propose to include a scrape in the Southwest of the site, subject to checking the land to ensure the location is suitable. This is a small shallow area that would temporarily hold water and benefit various wildlife species, particularly birds, amphibians and invertebrates.
- We have made changes to the designs to retain existing views across the landscape.
- We've increased the proportion of broadleaves in some areas to bring additional variety, colour and texture.

Appendix A: Our response to key issues raised - Quoditch

Traffic and car-parking		
1	Include a car park or off road parking and include signage to discourage parking on verges or in gateways.	While the new woodland will be publicly accessible, it has been designed for local people to enjoy and our initial proposals do not include public parking. Along with the majority of our woodlands we will have operational access points where there would be space for occasional parking.
Access to the new woodland		
2	Include access for horse and bike riders - include surfaced paths, gates that are wide enough for pushchairs and wheelchair users (a minimum of 1.5 metres)	The paths within the new woodland will be unsurfaced grass spaces for people to explore the new woodland. We have no plans to introduce surfaced paths or facilities for horse riding or cycling.
3	Will the site be fully fenced/contained to prevent people and dogs to access private property and land?	We are not proposing to include dog proof fencing on the boundary of the new woodland; we expect visitors to be responsible dog owners and follow our dog code .
4	Provide an additional entrance to the woodland via Prestacott	Access points to the new woodland have been carefully considered to allow people to enjoy the new woodland and are included in the designs. We have no current plans on creating any additional access points in the design.
5	Create circular walks connecting the northern and southern section of the woodland	Unfortunately, this will not be possible as this would involve crossing land that is not owned by Forestry England.
Views and planting		
6	Concern about the density and type of planting, particularly conifers, which might obstruct views and reduce light to properties	We have made changes to the designs to retain existing views from properties. We have increased the proportion of broadleaf species in some areas of the woodland.

Tree species and planting		
7	Include agroforestry in the proposals	The objectives of this woodland have been carefully considered with our professional foresters and we don't intend on creating areas of agroforestry within the new woodland.
8	Increase the percentage of native species planted, a mixture of soft and hard woods and ensure stock is sourced and grown in the UK	<p>The woodland will have a mix of broadleaf and conifer trees with shrubs along the edges to add variety, colour and texture.</p> <p>Forestry England owned nurseries grow 7 million new trees every year to replant forests across England and create new areas of woodland. The majority of trees we plant are sourced and grown in the UK, but we occasionally purchase from other nurseries or source seeds which may originate outside of the UK. All the trees we use are required to have a plant healthy certificate to guarantee they're not carrying pests and diseases.</p>
Flooding and water management		
9	Concern about flood water running off the fields and affecting properties close by	Woodlands can help to alleviate flooding, improve soil infiltration and reduce or slow surface runoff. Specific areas of concern have been discussed with our foresters.
Community involvement and engagement		
10	Include the local community in tree planting and community volunteering	Forestry England works with many 'friends of' societies and community groups that help manage our woodlands. We will monitor site use and interest at Quoditch as part of our wider engagement plans across the district.
11	Include information boards	There will be signage at the entrances to the new woodland, but we don't plan to put up other signs within the woodland. We want visitors to enjoy the area's natural beauty and keep signage to a minimum.
Birds, wildlife and diversity		

12	Include a small pond to encourage species diversity	We propose to include a small scrape (subject to land checking). This is a small shallow area to hold water temporarily. It will benefit various wildlife species, particularly birds, amphibians and invertebrates.
13	Include programmes for deer and grey squirrel management	A local wildlife ranger will regularly check the new woodland to see if any interventions are needed to prevent deer and grey squirrels from causing damage.
Public facilities		
14	Include dog bins in the new woodland	We have no plans to install dog bins at this location. We expect visitors to be responsible dog owners and follow our dog code . Dog owners should always clear up after their dog. Where no bins are available, owners should bag the dog waste and take it home.
Use of agricultural land for new woodlands		
15	Why are you using agricultural land to create new woodlands	<p>Forestry England is creating new woodlands which will capture carbon, restore and connect habitats, enhance biodiversity, supply sustainable, homegrown timber and be great places for people to enjoy. Sites are individually and carefully assessed so they are suitable for woodland creation and sensitive to the local landscape. This assessment considers the existing land use, and we target lower-quality or less productive land to create new woodlands.</p> <p>Our proposals for a new woodland at Quoditch supports tree planting targets to create 30,000 hectares of new woodland every year by 2025 and provide a source of sustainable homegrown timber.</p>

		<p>Forestry England understands concerns around food security and keeping the best land in agricultural production. Our woodland creation programme seeks to avoid the most productive land (grades 1 & 2). The land at Quoditch is graded at 3. All landowners choose how they should best manage their land to suit their business.</p>
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**Devon Countryside Access Forum
c/o Public Rights of Way team
Great Moor House
Bittern Road
Sowton
EXETER EX2 7NL**

**Tel: 07837 171000
01392 382771**

devoncaf@devon.gov.uk

www.devon.gov.uk/dcaf

Mr D Phillips
Planning Development Management
Climate Change, Environment & Transport
Devon County Council
County Hall
Topsham Road
Exeter EX2 4QD

7 August 2024

Dear Mr Phillips

Creation of new cycle and pedestrian path – Sidford to Sidbury DCC/4404/2024

The Devon Countryside Access Forum notes the planning application for the Sidford to Sidbury cycle/walking route on which there was a pre-application consultation. The Forum is disappointed to note that its advice on the route has not been taken into account and is resubmitting its previous comments. This response will be on the agenda for formal approval at the next meeting of the Forum on 23 September.

The Forum notes that the surface will be tarmac and advises that all steps should be taken to minimise the impact on the landscape.

Although some low-level lighting has been discounted due to the likely impact on nocturnal wildlife, the Forum advises there should be a commitment to investigate whether different forms of lighting might make the path more accessible after dark, without adversely impacting wildlife. Your attention is drawn to documents on lighting published by the Malvern Hills National Landscape [MHAONB-Guidance-on-Lighting-final.pdf \(malvernhillsaonb.org.uk\)](https://malvernhillsaonb.org.uk) and the Blackdown Hills National Landscape blackdownhillsaonb.org.uk/wp-content/uploads/2018/04/blackdown-hills-good-lighting-guide.pdf, and the latest guidance note on bats and lighting published in 2023 by the Institute of Lighting Professionals and the Bat Conservation Trust. [Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals \(theilp.org.uk\)](https://theilp.org.uk)

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It is noted that the planning application does not include or seek to resolve the use of Hillside and the evident safety concerns for cyclists and walkers. If improvements are required to make this scheme safe and acceptable within planning terms and could be achieved under permitted development regulations, then perhaps the undertaking of those works could be made a condition of any planning consent given. As stated in the earlier letter, a route west along the back of the gardens of Hillside continuing along the field boundary, as indicated in the Phase 2 indicative alignment, might overcome these issues. Connecting the route in its entirety to Sidbury would appear essential to realise the full benefits from the initial Phase 1 investment.

These comments constitute formal advice from the Devon Countryside Access Forum and Devon County Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions. Feedback would be appreciated.

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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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.

Stakeholder Consultation - Forest Management carried out by Forestry England (SA-FM/COC-006972 & SA-PEFC-FM-006972)

Devon Countryside Access Forum response

Name of Forest Management Organisation or Forest

West District (Devon)

Contact Details

Hilary Winter

Forum Officer, Devon Countryside Access Forum

Email: devoncaf@devon.gov.uk

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice “as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice, and this includes the Forestry Commission.

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Telephone: 07837 171000

Address:

Devon Countryside Access Forum
Great Moor House
Bittern Road
Sowton
Exeter
EX2 7NL

Comments

Which site do your comments refer to?

Comments are general with specific examples from Haldon Forest Park.

Do you have any positive comments about this organisation's forest management? *

The Devon Countryside Access Forum appreciates the recreational opportunities afforded by Forestry England. The Forum responded to the forest management survey in 2021 and was pleased to receive comments from the auditor. A number of

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new matters have been raised to bring to your attention in assessing forest management carried out by Forestry England.

Inclusion

The Forum welcome the support Forestry England provides to schools and other educational establishments to help access and enjoy the nation's forests. It recognises the extraordinary success of venues such as Haldon Forest Park in Devon in providing access to a wide range of facilities and resources to individuals and groups of all ages from the local area and much further afield. It suggests that ways should be found to enable a wider range of users to visit through, for example, links with public transport and concessionary car parking.

Health and wellbeing

The Forum also recognises the benefits to mental and physical health from access to forested areas throughout Devon, with minimal resource provision, for the purposes of quiet recreation.

Do you have any negative comments about this organisation's forest management? *

Maintenance

At popular and well-used forest sites, for example Haldon Forest Park, cycling, mountain biking and walking routes can become overgrown with vegetation reducing the width available to users. This is evident in high growth seasons and Forestry England may need to review maintenance regimes on narrow paths in particular.

Access use

At popular sites where there is a large mix of different user groups including cyclists, mountain bikers, horse riders and dog walkers, Forestry England needs to proactively look at how user groups are accommodated to minimise conflict. Issues might include the safe provision of horse box parking, clear marking of routes for different users and reducing areas of risk, for example proximity of horse riding and mountain bike routes, and location of zip wire courses. This has become more apparent as use of such sites has increased markedly.

Communication

The Forum is aware that sometimes communication is not as effective and timely as it could be. In any woodland, the management of disease in trees such as ash, plus more extreme weather conditions, has meant that woodland management has had to respond far more quickly than previously. There appears to be far more felling on a larger scale. This has meant the closure of footpaths and the disruption of the land and wildlife. This affects the appearance of the forest and can get a negative response from users. Forestry England is recommended to improve communication with users to inform them why the work is being carried out, how long it will take, any

environmental measures in place to offset disruption and future plans for those areas. Communicating policies on replanting for both commercial and environmental reasons would be helpful.

Event management

More specifically on events, the Forum would welcome an update on the Event Zones previously proposed and the extent to which affected groups are being consulted. One member of the Forum with experience in this area suggests that the new on-line system for permission to hold an event or activity on Forestry England land will need time to bed-in. It is suggested that it would be appropriate for Forestry England to provide target times and service standards by which it responds to permission requests as advance notifications of events need to be submitted at least 8 weeks prior to an event taking place.

Are there any unresolved conflicts between the forest manager and yourself or another individual / organisation? *

No response.

Do you have any suggested modifications which you would like to be considered in the next revision of the FSC Standard?

Please see comments above.

Are there any individuals or organisations we should consult who we may not have contacted already?

No response.

Submitted by Hilary Winter on behalf of the Devon Countryside Access Forum.

Chair: Sarah Slade; Vice Chair: Chris Cole

Tamar Valley Management Plan

Initial survey - Have your say on what you value most about Tamar Valley National Landscape

Devon Countryside Access Forum response submitted online 23.08.24.

What are the top three things you value most about the Tamar Valley National Landscape?

- A protected landscape
- Scenic views
- Wildlife habitats and species
- Wild open spaces
- Attractive villages
- Thriving local economy and communities
- Farming and land management
- Recreational opportunities (e.g. walking, cycling, birdwatching, canoeing, paddleboarding, fishing)
- Visitor attractions
- Heritage and historic environment
- Places to stay and eat
- Peace, quiet and tranquillity
- Dark skies
- Rivers
- Woodlands and hedgerows

2. Is there anything else that you particularly value about the Tamar Valley National Landscape that is not listed?

3. Please tick which of the key interests you think the Tamar Valley National Landscape should focus on during the review of the management plan?

- Landscape-scale conservation and enhancement, natural habitat connectivity and improved condition
- Soil health, soil management and soil regeneration
- Woodland and hedgerow creation and management
- River catchment management upstream from the Tamar Valley National Landscape area
- Wildflower meadow creation and management
- Strategic housing development and planning in the National Landscape including design code guides
- The future of farming and food production, including market garden initiatives
- Visitor experience, access and recreation information and encouragement of sustainable tourism
- Business and job creation advertising initiatives

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- Community healthcare and wellbeing within the Tamar Valley National Landscape
- Education, training and volunteering opportunities, community group activities and annual events
- Species conservation such as the Dormouse, Greater Horseshoe Bat and Heath Fritillary Butterfly
- Addressing wildlife crime
- Protection of dark skies and tranquillity of the area
- Improved access for all information and accessible trails for wheelchair users
- Natural flood management and river quality
- Sustainable living guidance and energy reduction initiatives
- Air quality monitoring, methane capture and hydrogen application opportunities
- Lobbying voice, advocacy and influence for Nature-based community issues
- Community placemaking, connectivity and transport including promotion of green travel initiatives
- Heritage and historic environment
- Electrical charging point installations and promotion
- Green finance investment, donations and legacies attraction for Nature-based work
- Climate adaptation advice, guidance and project delivery
- Domestic garden guidance for optimum environments for birds, insects and ponds
- Freshwater and marine species monitoring
- Extension of the national Landscape boundary to protect a larger landscape area
- Reducing, repurposing and recycling guidance to minimise domestic and commercial waste
- Improved gateway road and rail signage announcing arrival into the Tamar Valley National Landscape
- Arts, crafts and exhibitions events and promotion

4. Are there any other key interest you think we've missed. Please state below and where possible give reasons why you think these are important.

Under section 94 of the Countryside and Rights of Way Act, the Devon Countryside Access Forum's remit as a local access forum is to advise 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. Therefore, its selection of priorities and key interests reflects that. However, access sits in a wider context of the landscape and economy and it benefits from those being healthy and vibrant too.

The Forum advises that improved access and connectivity of access routes should also be a priority as that would encourage greater usage, particularly if safety issues associated with routes ending or running along roads can be addressed. This might be an aspect that could be included in one of the workstreams of the Protected Landscapes partnership which aims to consider how to remove barriers to access.

The Forum strongly encourages working in partnership with land managers to identify improvements and changes to access.

The Devon Countryside Access Forum has an AONB position statement which it developed in 2018. This is on the agenda to be reviewed at the next meeting in September 2024 and the new National Landscapes position statement will inform the Forum's response to further consultations.

5. Is there anything you think could be enhanced in the Tamar Valley National Landscape? Please state below and where possible give reasons why.

Our draft vision

We're also developing a vision to shape our delivery priorities leading to 2050 for the Tamer Valley National Landscape. Here's our first attempt:

By 2055, the Tamer Valley National Landscape has a strong sense of place and wellbeing, as a distinctive and internationally important landscape of high visual quality and a protected green and blue haven where communities and wildlife flourish. Nature and People are entirely connected, enjoying clear air, clean water, plentiful food, good health and resilience to a changing climate and variable economy. The Tamar Valley National Landscape is a unique and vibrant destination of choice and high value.

A place to be. A place to breathe. A place to thrive.

6. To what extent do you agree this is the right vision for the Tamar Valley National Landscape?

- Agree strongly
- Agree somewhat
- Neither agree nor disagree
- Disagree somewhat
- Disagree strongly
- Don't know

7. Is there anything else you believe we should strive for, or what else would you like to see happen over the next 25 years?

The Devon Countryside Access Forum advises that the vision should place more emphasis on the Tamar Valley being a living and working environment.

The Tamar Valley offers significant access opportunities for a range of different access users, such as walkers, dog walkers, horse riders, cyclists, runners and wheelchair/mobility scooter users. The phrase in the draft vision stating that 'Nature and People are entirely connected' does not sufficiently cover the richness of these access facilities.

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8. The Tamar Valley National Landscape has an office hub at the Tamar Valley Centre at Drakewalls. What activities would you like to see take place at the Tamar Valley Centre?

9. Would you like to be able to book rooms for events and hotdesking in this building and if so what services would you need access to?

- Yes
- No
- Maybe

Our communications and your interest

The following questions are entirely voluntary and we only use this information for shaping our own communications in the future.

10. Where did you find out about this questionnaire?

Website

11. Which of these key interests are your top 5 priorities?

- Landscape-scale conservation and enhancement, natural habitat connectivity and improved condition
- Soil health, soil management and soil regeneration
- Woodland and hedgerow creation and management
- River catchment management upstream from the Tamar Valley National Landscape area
- Wildflower meadow creation and management
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12. Are you responding to this survey on behalf of an organisation?

- Yes
- No

13. What is the name of your organisation

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 the National Landscapes and the Secretary of State for any Government Department.

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.

14. What is your role within the organisation

Forum Officer

