



Devon Countryside Access Forum
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**Minutes of the Sixty-Fourth meeting
of the Devon Countryside Access Forum
held at Silverton Community Hall,
Wyndham Road, Silverton, Exeter EX5 4JZ**

Monday, 24 April 2023

Attendance

Forum members

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

Tino Savvas
Robert Sewell
Lorna Sherriff
Sarah Slade (Chair)
Bryan Smith
Tim Spray
Glynn Yabsley

Devon County Council Officers and others present

Philip Hackett, Access Field Officer, South West. British Horse Society
Richard Walton, Public Rights of Way and Country Parks Manager, DCC
Hilary Winter, Forum Officer, DCC

1. Apologies

Apologies were received from Councillor Richard Chesterton, Holly Daniels, Councillor Linda Hellyer, Jo Hooper and James Nevitt. The resignation of Holly Daniels was noted with regret. Glynn Yabsley was welcomed as a new member.

2. Declarations of interest

There were no declarations of interest.

3. To approve minutes of the meeting held on 31 January 2023

Minutes of the meeting held on 31 January were approved and signed.

4. Matters arising

4.1 Tamara Trail project

Mark Owen, consultant to the Tamara Landscape Partnership Scheme, had confirmed that use of the 'Miles without Stiles' categories included mobility scooters. The three categories are 'For All' (a gradient of less than 1:10 with tarmac or a compacted stone surface of less than 10mm); 'For Many' (gradients up to 1:8 with stone of 4cm or less) and 'For Some' (slopes greater than 1:8 will have improved surfacing or handrails with stone less than 10 cm and steps or breaks less than 10 cm in height). It is suggested that mobility vehicles could manage all three categories. Descriptions will be added to the website.

Some concern was expressed about the use of a range of standards for different projects with no nationally applied criteria.

4.2 Sustrans barriers project

Gordon Guest and Tim Spray had been out on the Exe Estuary Trail and produced a photographic report for Sustrans on gates and chicanes. No problems had been encountered regarding accessibility for mobility scooters. A potential consideration is whether there is a real need to remove or replace these barriers with less restrictive bollards. In addition to cost implications, removal might increase speed and so might potentially have an unintended negative impact on safety (e.g. at Lympstone).

The Forum Officer had been informed by Sustrans that hand cyclists, an additional group of users, experienced some difficulties with access. It would be helpful to ascertain dimensions required for hand cyclists. It was noted cargo bikes would have similar requirements.

Richard Walton, Public Rights of Way and Country Parks Manager, said that the timescales and conditions for Department for Transport and Sustrans funding were out of sync with DCC (for example, clauses around land ownership), and so related work might not be significantly funded via the grant. The PRow team is liaising with Sustrans. All work will be subject to a safety audit.

5. Election of Chair and Vice Chair

The Forum Officer took the Chair. Sarah Slade was elected Chair, proposed by Andrew Baker and seconded by Tim Spray. Chris Cole was elected Vice Chair, proposed by Sue Pudduck and seconded by Bryan Smith. All in agreement.

6. Public questions

There were no public questions.

7. Correspondence log

The correspondence log was noted, in particular the response to Silverton Neighbourhood Plan (item 3) and four applications made to Devon County Council by the Open Spaces Society to register four areas of land near Stockland as common land (item 4).

8. Meetings attended by DCAF members

8.1 Pebblebed Heaths National Nature Reserve Advisory Board

Sarah Slade had attended part of the last Pebblebed Heaths National Nature Reserve Advisory Board meeting, held on 31 January. She had missed the site visit to the Estuary View car park but would be able to do this with Kim Strawbridge from the Pebblebed Heaths team separately. The Board discussed taking the Management Plan forward and work on the Lower Otter Restoration Project.

8.2 Devon Wildlife Trust

Tim Felton, Gordon Guest and the Forum Officer had met Dean Holland (Discover Nature Manager), Emily Cuff (Nature Recovery Officer) and Elouise Keatley. Tim Felton reported that it was useful to get to know new staff with responsibilities for the Valley Parks in Exeter. The Devon Wildlife Trust is seeking to ensure accessibility is central to forthcoming projects and will liaise with the DCAF.

It was noted that the DWT would shortly have a new Chief Executive and it was agreed the Forum should continue to develop links. Whilst on the mailing list for project developments, it was agreed that Management Plans should be requested.

Action: Forum Officer

The DWT and Exeter City Council had invited Richard Walton to a workshop in March to discuss green space development and opportunities for Suitable Alternative Natural Greenspaces (SANGs).

It was noted that a further park, Matford Valley Park, is proposed on the outskirts of Exeter. If developed this would be a Suitable Alternative Natural Green Space (SANGS) site, managed by Teignbridge District Council.

8.3 Access for All conference

Gordon Guest reported that he and the Forum Officer had attended the two-day Access for All Conference in Okehampton. His focus had been on mobility scooters but a breadth of other perspectives was included. The presentations and working group discussions would be fed back to the Cabinet Office and it would be interesting to see whether this would be

translated into action. All the different disability groups were campaigning.

It was noted there were no common standards and a range of interpretations. The British Standard requirement is for a 1.2m gate but it is not a legal requirement. The installation of gates potentially had an impact on the available width if not aligned correctly and there was no British Standard for installation. Comment was made that flexibility could be lost if standards were too heavily prescribed.

The size and power of mobility scooters was increasing and now included two-seater models. The Department of Transport had not yet decided how to deal with these, and they would also impact on access.

Pippa Langford, Principal Specialist Access and Recreation at Natural England, had mentioned a forthcoming guidance document on Outdoor Accessibility and this had just been published. This updated the earlier Fieldfare publication. This would be circulated and put on the Devon Countryside Access Forum website.

Action: Forum Officer

9. To note minutes of the Public Rights of Way meeting held on 9 March 2023

The minutes were noted. In response to a query, Richard Walton confirmed that the reference to increasing community giving in paragraph 59 referred to community payback schemes and potential opportunities for practical maintenance support rather than financial donations.

10. Public rights of way update

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

Staffing

The new Chief Executive, Donna Manson, was now in post.

Agreement had been sought for a second senior post in public rights of way to work alongside Steve Gardner in managing the warden team. An internal recruitment was being carried out and interviews would take place shortly. The ten warden areas would be divided into two teams, north and south. This division was agreed as it would provide a central contact for each of the National Parks and Areas of Outstanding Natural Beauty, as well as the north and south coast path sections. Following this appointment, recruitment for warden vacancies would take place including the longstanding vacancy in South Hams.

An advertisement would be placed shortly for the third senior officer post to oversee the Definitive Map Review team.

The DCAF Officer would continue to report to Richard Walton.

Budgets

The revenue budget (£1m for off-road cycleways and public rights of way) had been frozen at the same level as 2022/23 which represented a cut in real terms.

The capital budget had been reduced from approximately £1.75m to £900,000, although this budget had tended to be underspent due to capacity issues. However, an additional capital sum of £1m had been ring-fenced for trail infrastructure, specifically for the Exe Estuary. A yearly agenda item on budgets was requested.

Action: Richard Walton and Forum Officer

There was some flexibility across the capital and revenue funding streams depending on procurement and financial regulatory rules.

Stover Country Park

Emily Cannon (Project Officer) and Chloe Morgan (Project and Volunteer Administrator) had been appointed and joined Eve Malster (Community Engagement Officer). This project is now in the delivery phase. Land purchase to complete the circular trail was being completed, together with a licence agreement with Stover School to allow partial restoration of the Serpentine Lake. SW Norse had been instructed to progress delivery of the visitor centre refurbishment. Teignbridge District Council had given formal approval for listed building consent. Appropriate specialists would be brought in as necessary.

Drake's Trail

Wooden structures on the Drake's Trail were currently being replaced (the aerial walkway near Gem Bridge). Where wood can be re-used elsewhere this was clearly listed for the contractors. The closure would be for five weeks without a recommended diversion as there is no route suitable for all the different types of user.

England Coast Path

Work at Down End, Croyde, had been completed with some minor adjustment to that planned due to a high spring tide and related sand movement. The scheme had improved accessibility. There had been a few adverse comments on Facebook, but this had been countered by lots of positive feedback.

The section between Croyde and Saunton Sands is still with the Secretary of State for approval. A new alignment is proposed on the landward side of the road. An exploratory route had been cut and walked with Natural England.

Mothecombe

The England Coast Path at this point is tidal so the official route will be along steps created on coastal stabilisation work at the top of the beach. This is supported by the landowners and will be subject to a grant bid.

Lower Otter Restoration Project

East Devon District Council had now made the order to realign the South West Coast Path. It was important for the Environment Agency to ensure this happened prior to doing the breach. The diversion will not formally exist until the new path is available.

Discussions are taking place with the Environment Agency about tree planting to ensure that biodiversity gains from construction work do not impact adversely on public rights of way, for example by planting too close to the path. This, and similar proposals along other planned new path routes, has potential to restrict future access and create maintenance issues, and so work is needed on improved guidance to cover wider issues such as blackthorn encroaching onto routes. The guidance should reflect Rights of Way Improvement Plan policies.

Cabling project

Discussions were taking place in association with cabling coming onshore at Saunton Sands and across to Yelland from a proposed off-shore wind farm near Lundy. DCC had been contacted as landowner for part of the Tarka Trail in that area. The intention was to minimise the impact, hopefully through cabling underground.

E-scooter trial

Part of the Tarka Trail just outside Barnstaple may be included as part of the e-scooter trial about to commence in the town.

11. Rights of Way Improvement Plan review

Richard Walton explained a couple of organisations had yet to feedback and the consultation deadline had been extended.

The draft integrated the 2012 policy objectives with the summary table and included consultation outcomes from the DCAF working group and Parish Paths Partnership workshops.

Work still needed to be completed on some key items including the Equalities Assessment.

Richard Walton apologised for postponing the working group. After discussion it was agreed new dates should be circulated so that the working group could work through a revised edit.

Action: Richard Walton and Forum Officer

It was noted that the headings and structure were good and sound. A request was made for the Plan to identify the reporting process and frequency so that the success of the Plan can be evaluated.

It was suggested there should be a key target for each key topic, identifying the

desired achievement. This could be explored further at the working group.

Incorporating landscape character was mentioned, for example surfacing. Richard Walton acknowledged this was important and could feed into planning documents. Links to research and other policy documents could be included. It was noted that whilst there was a focus nationally and locally on active travel there was a balance between developing this agenda and not urbanising the countryside.

With regard to Traffic Regulation Orders, it was suggested that it was important to look not only at Government guidance but also best practice as some useful innovative work was being carried out.

From the land management perspective, it was proposed that land managers should have the ability to move paths out of farmyards for reasons of safety and to enable a thriving agricultural industry.

The new Outdoor Accessibility Guidance document might provide some additional actions.

Members were asked to feedback comments to the Forum Officer.

Action: Members

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

12.1 New public greenspace at Station Road, Broadclyst. (East Devon District Council)

The response was noted and approved.

12.2 Teignbridge Local Plan. Regulation 19 consultation. (Teignbridge District Council).

The response was noted and approved.

12.3 Dog legislation. Letter to Trudy Harrison, Under-Secretary of State

The response was noted and approved.

The letter had been acknowledged. No further comment had been received. A suggestion was made that the letter be sent to the Shadow Minister, but it was decided to chase up a response, copying in Natural England. It was agreed a letter should be sent to the Institute of Public Rights of Way Officers (IPROW magazine) and a draft would be circulated to members.

Action: Forum Officer and Chair

12.4 Exeter Local Cycling and Walking Infrastructure Plan. (Devon County Council).

The response was noted and approved.

12.5 Horse riders' permit review. (Forestry England).

The response was noted and approved. The timeline for a response to the review from Forestry England was not known.

13. Current consultations

13.1 Shared use trail planning application - Shercroft Close, Broadclyst to Mosshayne Lane (Devon County Council, DCC/4336/2023)

Members discussed the trail planning application. It was unclear whether the route was multi-use. It would appear that horses were excluded by inference, which was a missed opportunity, setting a bad precedent. The trail, although short, would ultimately link to the Clyst Valley Trail and on to Ashclyst Forest and the wider Killerton Estate. Nothing was proposed that would exclude horse-riders and serious priority should be given to including them at this stage in the process. It would provide an off-road route with potential to reach safer riding areas.

It had been the policy of the Devon Countryside Access Forum to have multi-use routes, particularly when new routes were made. This was echoed in the Rights of Way Improvement Plan policies 2012.

A question was raised as to whether proximity to the railway line made a difference. This had been cited as a reason on the Teign Estuary Trail. This was not regarded as a deciding factor.

The route would not be lit and there was a parallel commuting route.

The planning application stated a non-porous, bound surface. There were reservations about this from the point of view of horses and also the landscape. A stone surface or self-binding gravel were suggested.

Concern was expressed about the proximity of the trail to houses in Shercroft Close. The application also did not mention the Suitable Alternative Natural Green Space (SANGS) site which was adjacent to Shercroft Close and would include a car parking area.

While a grass verge could be included for horses this would depend on the surface.

The ongoing maintenance of wildflower and green space areas was raised with concern for the ongoing costs. Some hedge species such as blackthorn and hawthorn should not be planted too close to the edge. Trees were a

valuable landscape asset, but safety and sight lines needed to be taken into consideration to ensure people were not deterred from using the trail.

It was unclear how much agricultural land was needed during construction and its after-use.

At both ends of the trail there were concerns about onward travel. Legally defining the route itself, perhaps as a bridleway, and ensuring onward connections, for example permitting cycle and horse use on Mosshayne Lane, was essential.

The need to restrict vehicular access was noted. 1.5m access should cover most mobility scooters. A lockable, moveable bollard was raised as an option.

It was noted it would be useful to include reference to the new Outdoor Accessibility Guidance document.

A draft response would be circulated.

Action: Forum Officer

14. Training Day

The Training Day would take place on Monday, 19 June with visits to the Pebblebed Heaths and the Lower Otter Restoration Project. Staff from Clinton Devon Estates would accompany members. It was suggested that input from the Environment Agency and Kier would be useful. A programme for the day would be circulated when finalised.

Action: Forum Officer

15. To approve annual report

The draft Annual Report had not been finalised and would be emailed to members for approval.

Action: Chair and Forum Officer

16. Draft 2023-2024 Work Plan

Members suggested additions to the draft Work Plan. It was proposed that the September meeting include a presentation on new forms of transport such as e-bikes, e-scooters and more powerful mobility scooters and the implications for public rights of way and landowners.

It was suggested that the Sensory Trust give a presentation on the difficulties experienced by blind and deaf people in accessing the countryside and green space, as well as children with impaired mobility. Jo Burgess would forward contact details.

It was agreed to include Yonder Oak Wood near Lymptone, a woodland being created by the Woodland Trust, on the progress update list.

Whilst not a direct role for the Forum, it was agreed to include education about responsible use of the countryside as an aspiration which could be incorporated in responses. This would be a role for the country parks although not specifically for the public rights of way team.

It was noted that trail development and maintenance could potentially be part-funded in future by incorporating adjacent land as tradeable carbon credit areas.

Succession planning for the Devon Countryside Access Forum was raised.

Action: Forum Officer and Jo Burgess

17. Any other business

17.1 Update on Stakeholder Working Group and 2026 cut-off date

In 2022 it was announced that the 2026 cut-off date for submitting claims for public rights of way based on historic evidence was not going to be implemented. The national Stakeholder Working Group had been advising on this matter since 2007. The Government had now stated an intention to implement the cut-off, but from 2031. This was already possible within the existing primary legislation. The Stakeholder Working Group made comment on this when it met last week.

Under the provisions of the Deregulation Act 2015, if the local authority fails to undertake a preliminary assessment or to determine an application within a prescribed period, the applicant (or the landowner) may appeal to the magistrates' court. This will replace the current appeals process to the Secretary of State. Again, these regulations have not yet been brought into effect.

17.2 Natural England - Local Access Forum support

Danielle Radley, Natural England, had been tasked with providing support to Local Access Forums and would commence this shortly. One of the proposals is to have a dedicated LAF SharePoint to share information and good practice. It is intended Annual Reports will be uploaded to this site.

It was agreed it would be useful to explore sharing expertise with neighbouring LAFs in particular.

Additional items, not on the agenda, were discussed during the meeting and minuted below.

17.3 Network Rail

Andrew Baker reported that the crossing at Rewe, which had been raised at a previous Forum meeting, was apparently to remain closed until November/December 2023. Access was currently restricted by concrete blocks. Richard Walton confirmed that the section over the railway only had pedestrian rights and was not a footpath. He agreed to pursue this with the appropriate Network Rail Manager.

Richard Walton and the Forum Officer had attended a virtual Network Rail and Institute of Public Rights of Way Officers' meeting earlier in April. This covered national standards and procedures that had been agreed. There was no agenda to close crossings, with focus on putting in mitigation measures.

It was noted the national Local Access Forum conference in 2017 had included a presentation on this topic from Lincolnshire.

Andrew Baker agreed to forward details to Tim Spray.

It was resolved to send a letter to Network Rail about the delay and timings. A draft would be circulated.

Action: Forum Officer, Andrew Baker and Tim Spray.

17.4 Countryside Code

Natural England would be incorporating Aardman animations in its Countryside Code promotion. This would be available to preview in May and the email giving information would be circulated. Natural Resources Wales had produced dog walking codes.

Action: Forum Officer

17.5 Update from the British Horse Society

Philip Hackett, Regional Access Officer for the British Horse Society, expressed concern that the Devon County Council's multi-use policy was not being adopted. Devon had a high rate of road incidents involving horses. He stated that a retrospective assessment of existing trails to consider horse use needed to be undertaken, plus consideration on new routes. He had emailed the Leader of the Council, Cllr John Hart, on this matter but had not yet received a response.

Mr Hackett explained he was now the Chair of the Dorset Local Access Forum and there was much to gain from sharing good practice and working together. The Forum had less support as the key member of staff had moved to a new job. There was no formal multi-use policy in Dorset.

18. Date of next meeting

The next meeting would be on Monday, 18 September 2023.