



Devon Countryside Access Forum
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Minutes of the Forty-Fifth Public Meeting
of the Devon Countryside Access Forum (DCAF)
held at The Victory Hall, Broadclyst
Thursday, 13 October 2016

Attendance

Forum members

Simon Clist
Mike Green
Christine Ingram
Linda Lee
Sue Pudduck
Mark Simpson
Ted Swan

Chris Cole
Gordon Guest
Cllr Jim Knight
Laura Leigh (Chair)
Cllr Philip Sanders
Sarah Slade

Devon County Council Officers and others present

Simon Bates, Green Infrastructure Project Manager, Exeter and East Devon Growth Point
Helen Clayton, Public Rights of Way Senior Officer, DCC
Ros Mills, Public Rights of Way Manager, DCC
Hilary Winter, Forum Officer, DCC

1. **Apologies** had been received from Chris Britton, Sean Comber and Ellie Wonnacott.
2. **Declarations of interest**
Cllr Sanders declared an interest as Leader of West Devon Borough Council and as a member of DCC's Development Management Committee. Laura Leigh declared that Mr Cox, who had posed a public question, item 10, was a social acquaintance and they had previously worked together on the Devon CLA Committee.
3. **Minutes** of the meeting held on 26 April 2016 were agreed and signed.
4. **Matters arising**
 - 4.1 **Dog advice**
Publication of the Daily Wag had been delayed. The article for the general press was deemed insufficiently newsworthy by the DCC media team. It would be re-

submitted when the next significant dog incident in Devon occurs. Direct submission to local papers to include alongside other local issues was suggested and agreed.

Action: *Forum Officer to forward press release to local papers with explanatory letter.*

4.2 Terms of Reference

The revised terms of reference were on the DCAF website.

4.3 Budleigh Salterton to Otterton river path

The Public Rights of Way Warden for the Budleigh Salterton area had responded to Gordon Guest's report. Although improvements were desirable, constant erosion of the path and surfacing; landowner and Environment Agency stipulations; and road safety at Otterton made changes difficult and expensive to implement. Ros Mills, DCC, said she would ask the Warden to replace some of the pedestrian gates on the lower sections to ensure they were more accessible as part of a phased approach.

Action: *Ros Mills to ask the PRow Warden to replace some of the gates*

4.4 National LAF Conference

Natural England had undertaken some preliminary consultation on Conference topics with local access forum members nationally. However, the final programme appeared to be determined by those who offered to give presentations and did not necessarily reflect issues of national interest and good practice. The Chair had not made any formal feedback but felt the opportunity for greater networking and exchange of good practice was important and it was agreed this should be an integral part of future conferences.

Rob Leek, National LAF Officer, had taken voluntary redundancy and his role would be taken on by other NE staff. A single conference in 2017 was likely, possibly in Birmingham.

Action: *Chair to raise matter of networking opportunities when the next Conference is mooted.*

4.5 Huddle

It was not possible to have a generic password for the DCAF. Any member interested could join as an individual.

Action: *Members interested in Huddle to contact Forum Officer.*

4.6 Buttercombe Barton to Spreacombe Bridge trail – planning application

The DCAF had made pre-application comments but there was insufficient feedback from members to provide a mandate to respond when the planning application was submitted. The trail application had not yet been to the Development Management Committee.

4.7 Training Day

The proposed joint event with Exmoor Local Access Forum had not taken place due to difficulties in arranging a convenient date. This would be re-visited in 2017.

Training attached to a meeting was also useful. Cllr Sanders would talk to Cllr Davis to encourage liaison with Exmoor.

The Chair suggested another SW LAF Chairs' meeting to encourage networking.

Action: *Cllr Sanders to discuss networking with Exmoor with Cllr Davis. Forum Officer and Chair to discuss SW Chairs' event.*

4.8 DCAF Annual Report

The report had been published and would be put on the website.

Action: *Members to forward comments on the Annual Report*

5. Annual Review Form

This had been submitted to Natural England. The Forum Officer thanked members for their hard work during the year, drawing attention to the significant range of access issues covered in responses. The national Natural England report to Defra had not yet been finalised.

6. Correspondence log

This was noted. Attention was drawn to the reasons for refusal of planning permission at Rockbeare.

7. Current consultations

7.1 Draft Exe Estuary Management Plan 2016 – 2021

It was noted that the route was totally wheelchair accessible following the new bridge at Dawlish. Two pubs along the route had disabled toilets that were not wheelchair friendly which limited use. Mobility scooter use nationally had increased significantly. It was noted that pubs, unlike public buildings, were not legally obliged to provide wheelchair accessible toilets. Electric charging points for scooters and bikes were useful.

It was confirmed that the Public Rights of Way Manager had met with the Natural Environment Team Planner to discuss the consultation. The Exe Estuary Partnership had a number of key partners and could draw in potential Community Infrastructure Levy money from development around Exeter. The Public Rights of Way team had no function to promote and market the Exe Estuary trail or to provide interpretation boards.

After discussion it was resolved to respond to the consultation advising that:

- the Exe Estuary Partnership explores promotion of the Exe Estuary trail for disabled access and seeks Community Infrastructure Levy money for improvement to facilities. As part of this, the Exe Estuary Partnership should also work with the City Council and owners/managers of public houses and other facilities;
- the DCAF would support the use of codes of conduct and guidance, preferably national codes where these exist, to encourage responsible use of the trail;

- the Exe Estuary area covers three district council areas and a joined up and consistent approach on matters, such as dog control, is therefore very important.

It was agreed DCC Officers should be encouraged to talk to pubs and tourism providers, in the process of developing routes, about facilities for wheelchair users and provision of electric charging points for mobility scooters and cycles.

Action: *Forum Officer to draft responses.*

7.2 Recreational Trail, Friars Hele north to Meeth

This item was considered under 12.6.

8. To note and approve responses to consultations not otherwise on the agenda

8.1 Ruby Way, Hole Station – planning application DCC/3881/2016

The responses were noted and approved. The Chair had been contacted by Mr Brown who had suggested an alternative route. There were a significant number of objections (over 200) to the route through Hole Station and it had not been made clear that DCC already owned that section of land. The Chair subsequently met with the Public Rights of Way Manager and the Principal Planning Officer to discuss the planning process in more detail. DCC was looking at a number of alternative routes but these would not be considered until after the planning application had been determined, although initially the Chair was told there might be a consultation period on these options alongside the planning application.

8.2 Cycling and Walking Investment Strategy consultation. Department for Transport.

The response was noted and approved.

8.3 Cranbrook Development Plan – Issues and Options Report. East Devon District Council.

The response was noted and approved.

8.4 Plymouth and South West Devon. Joint Local Plan consultation. South Hams and West Devon Place Making Team.

The response was noted and approved.

8.5 Recreational trail planning application – Friars Hele to Petrockstowe Lane, Friars Hele Cross, Meeth. DCC/3884/2016

The response was noted and approved. It was agreed paragraphs on disability access should form part of standard DCAF responses and the position statements would be checked to ensure this information was incorporated.

Action: *Forum Officer to check position statements and report back to the next meeting.*

8.6 Stover Park – Heritage Lottery Fund ‘Parks for People’ bid support letter. Supplementary information on disability access and response from Stover.

The responses were noted and approved.

The Forum was pleased to receive the positive and constructive response from Jon Avon, Stover Country Park Manager. The result of the Heritage Lottery Fund bid would be known in December and, if successful, the scoping project would be the initial part of the scheme.

It was suggested and agreed that the January meeting could be at Stover, followed by a site visit.

Action: *Forum Officer to contact Stover about hosting the January meeting.*

9. DCAF attendance at meetings

9.1 Local Nature Partnership Conference

The Chair and Forum Officer had attended the Conference. No formal summary report had been produced by the LNP.

9.2 South Devon AONB Annual Meeting

Sue Pudduck and the Forum Officer had attended the annual meeting which had a focus on health and well-being. Dr Niall Macleod had given an interesting presentation on the importance of recreational access to mental and physical health.

9.3 Two Moors Way 40th Anniversary and relaunch

An invitation had been extended to the DCAF but no-one was able to attend. Helen Clayton, PRoW, had been present and reported there was a new Two Moors Way website and the Two Moors Way Association was encouraging business involvement.

9.4 CPRE meeting

The Chair had accepted an invitation to speak about the DCAF at a CPRE meeting on 'Accessing and Enjoying Devon's Countryside' and used the DCAF induction presentation as the basis. Gordon Guest, Linda Lee and Christine Ingram had attended. Speakers included Graham Cornish, DCC, on development of the multi-use/cycle network; OkeRail Community Interest Company; the South West Coast Path Association and the Ramblers.

The Chair invited attendees at the event to indicate whether they had heard of the Forum and it was clear that the vast majority had not, despite annual recruitment circulars. A discussion followed on how to promote the DCAF and suggestions included talks to town or district/borough councils; social media (blogs and Facebook); promoting download of updates from the DCAF website to phones; and updating the CPRE presentation to circulate to DCAF members and Parish Councils.

Action: *Forum Officer to consider publicity suggestions and update members at the next meeting.*

10. Public questions

A public question and statement had been received from Mr Cox concerning the trail planning applications for Meeth. This was discussed under item 12.6 on the agenda.

11. Minutes of the Public Rights of Way Committee held on 8 July 2016

The Minutes were noted.

12. Public Rights of Way update

Ros Mill, Public Rights of Way Manager, and Helen Clayton, Public Rights of Way Senior Officer, DCC, provided an update.

12.1 Enforcement

Steve Gardner, DCC, had thanked the DCAF for its input to the draft policy. Comments by the DCAF and Wardens will be incorporated and the revised draft will go to the Public Rights of Way Committee and Legal Services in January. DCAF endorsement would be sought.

12.2 Public Rights of Way website

Public Rights of Way webpages had been updated, using Wordpress. This was easier to update and edit with enhanced functionality. Some comments made by the DCAF had been addressed and further changes will be made over time. The PRoW team was looking at how best to add asset management and enforcement information.

The interactive map was part of a larger environment mapping system and had resulted in some teething issues, for example layering problems associated with the search engine.

Helen Clayton agreed to feed back comments that the mapping was very difficult to access on mobile devices. The lengthy disclaimer, although irksome, had to cover several services and was necessary to ensure people did not use it as a legal/commercial source.

Policy changes resulting from the Deregulation Act were not yet in force. In preparation for the changes consultations were now being put on the website as these will no longer be required to be advertised in the press. New Orders and Definitive Map Review consultations were under 'Have your Say', with a link from the PRoW webpage. There were links to the Planning Inspectorate webpages. Members of the public could sign up for automatic updates which could include DCAF recruitment information.

The DCAF website had been changed. DCC was exploring ways of handling minutes and agendas more effectively.

Action: Helen Clayton to feedback website mapping issues. DCAF members to view the new DCAF website

12.3 Changing Lanes

DCC was running a pilot project to assess potential downgrading of some lower category highways (category 12 (unsurfaced routes) and some category 9 – 11s), which do not lead to houses, potentially through Traffic Regulation Orders or Magistrates Court Orders. These could be maintained as recreational routes for vulnerable users. Discussions were taking place with some parish councils, in addition to desk top analysis.

The Public Rights of Way team was seeking some guarantees about maintenance responsibilities and would be exploring partnerships with the Trail Riders Fellowship, British Horse Society and other user groups.

Comment was made that some lanes are already inaccessible and there was a strong argument for 'unsuitable for motor vehicle signs' rather than 'road closed' signs but there appeared to be reluctance to use these. Ros Mills confirmed there were legal processes involved.

Since 2012 there had been a 25% cut in staff/budgets in Public Rights of Way but the network the team was responsible for had increased with no additional budget, in effect a cut by default.

It was agreed progress should be monitored.

12.4 Deregulation Act

Policy changes and associated guidance emanating from the Deregulation Act had not yet been implemented and signed off. The process was behind schedule and also required parliamentary timetabling for the regulations. The PRoW Committee will be asked to comment on changes to policy. Some amendments had already been agreed to the constitution to allow delegated authority for modification orders due to simple administrative error or where landowner agreement had been secured. The Right to Apply procedures had not been finalised and implications for workload were not yet known.

Action: *Forum Officer to circulate Defra LAF summary of the changes.*

12.5 Legacy schemes

Several large schemes had been finalised, including a permanent route between Thurlestone and Beacon Point, part funded by the Thurlestone Hotel which had suffered economically due to collapse of the route. A scheme in North Devon was being progressed with assistance from Cllr Davies. Other small capital works had been implemented.

Routes were 95% easy to use, a stable situation after the earlier injection of capital through a Public Services Agreement, and assisted through work with volunteers and parishes.

12.6 Multi-use routes – process and planning

7.2 Recreational Trail, Friars Hele north to Meeth

10. Public question

Agenda items 7.2 and 10. were taken at this point. Mr Cox had submitted a question and statement commenting on ecological and landowner concerns about the earlier planning application DCC/3884/2016 and expressing disquiet about suburbanisation and traffic problems associated with the current application DCC/3904/2016. He expressed an opinion that the route should connect to Meeth village, a similar point made in an objection from the Parish Council.

Route details were displayed. It was agreed the two planning applications for Meeth should be considered as one entity. The Friars Hele north to Meeth application would

be multi-use, connecting to the Tarka Trail and Meeth Nature Reserve (Devon Wildlife Trust). The earlier application would connect to the outskirts of Hatherleigh. Part of the route from Hatherleigh was already in place and a new multi-use river crossing would be incorporated. It was noted there was no impeding path furniture shown on the plans and no significant maintenance issues on the existing Tarka Trail.

Ros Mills confirmed the Cycling and Multi-Use Trail Network Strategy, approved by Cabinet, showed Meeth to Hatherleigh as one of the key missing links, together with sections of the Hatherleigh to Bude route. A meeting was being set up, as suggested by the DCAF, between senior officers from the Engineering Design Group, Public Rights of Way, Asset Management and Planning. At the briefing stage for any route, and in association with landowner negotiations, the relevant Officer has guidance from DCC Officers and the DCAF to consider alongside road safety, feasibility and environmental criteria. It was confirmed the relevant DCC Officer had attended Meeth Parish Council meetings.

It was noted the DCAF had not been officially consulted on the application and, as a statutory body, this should have been the case. Representation would be made on this matter.

Mr Cox had made reference to ecological aspects which he did not feel had been fully investigated and it was agreed this was a key consideration.

After deliberation it was resolved to send letters to Mr Cox in response to his statement, and the Principal Planning Officer and Ros Mills about the consultation process.

Action: *Forum Officer to draft responses and circulate.*

12.7 Legal/maintenance considerations for new trail schemes (Paper 17).

The DCAF was thanked for its response. The following comments were discussed:

1. Maintenance matters. PRoW has a library of options for best practice. PRoW had asked to be consulted at an early stage about maintenance, prior to negotiation. It was agreed maintenance and structures should be discussed with landowners at an early stage, highlighting those most suitable for multi-use.
2. The Public Rights of Way team would welcome any advice on best practice for incorporating dog walkers.
3. It was noted there might need to be compromises on surfacing after consideration of sustainability matters.
4. It was agreed any discussion with voluntary groups over maintenance should make clear what the maintenance provision is.
5. Restrictive covenants. It was agreed that where a restrictive covenant proposed by a landowner/manager is non-negotiable it should be flagged up early on so that there is the potential to look for different routes, if appropriate. Ros Mills agreed a form of words to cover an unbiased assessment was required and undertook to check this.
6. Private access. It was noted that there were sometimes conflicts between public and private rights and these should be considered, particularly on multi-

use trails. This affected PRoW too as access was needed for maintenance vehicles.

7. Ongoing dialogue. It was agreed the DCAF landowner/land manager position statement on creating new trails should be included.
8. Codes of conduct/education. It was clarified that where any route was upgraded there was a need to educate users and to have consistent codes of conduct.

Action: *Ros Mills to review wording for assessing restrictive covenants and feedback to the DCAF.*

12.8 Update regarding multi-use guidance for the implementation of new trails (Paper 18)

Recent strategic and economic analysis documents had been used for funding bids. It was noted The Cycle and Multi-use Trail Strategy included little mention of multi-use and it was not clearly defined. It was also noted that the economic analysis did not mention dog walking, a missed opportunity.

Ros Mills confirmed internal toolbox talks were going well with some matters being taken to the strategic meeting, including points arising from the meeting between herself, the DCAF Chair and the Principal Planning Officer. This should lead to greater clarity of plans and information on the website. PRoW had requested a maintenance handover meeting for any new trail section.

13. England Coast Path – Lyme Regis to Kingswear

13.1 Response to Natural England on coastal access

The response was noted and approved.

13.2 Response from Natural England on coastal access and update

This was noted.

13.3 Response from the Devon Countryside Access Forum on accommodating disability users

The response was noted and approved.

13.4 Update from Natural England – September 2016

This was noted.

Specific details on the route from Lyme Regis to Kingswear would be published in 2017.

14. Meeting dates 2017

Dates were set for Thursday, 26 January; Thursday, 27 April and Thursday, 12 October. A training day date would be set at the January meeting.

15. Membership 2017

Advertising for Devon Countryside Access Forum membership would commence in November. Existing members whose term of office expired next March had been contacted to ascertain whether they would be re-applying (a competitive process) as

this might influence how the recruitment exercise was targeted to ensure a balance of members across different interests.

16. Any other business

16.1 P3 events

Attention was drawn to forthcoming P3 training events to which members were invited.

Action: *Forum members to advise if they wish to attend.*

16.2 Tourism – marketing of disabled access

Gordon Guest said that DCC should actively promote disability access as good opportunities were provided by multi-use trails and Countryside Mobility sites. Cllr Sanders suggested a letter to Cllr Hart, copied to Phil Norrey, Chief Executive of DCC. This was agreed.

Action: *Forum Officer to draft letter*

16.3 Countryside Code

A new version of the Countryside Code had been published.

17. Presentation by Simon Bates, Green Infrastructure Project Manager, Exeter and East Devon Growth Point

Mr Bates joined the meeting and was welcomed by the Chair. He explained he was employed by East Devon District Council but also worked across the Exeter City Council area.

The foundation for the green infrastructure initiatives was the Green Infrastructure Strategy 2009. Two core features are the Clyst Valley Regional Park and the Clyst Valley Trail.

Cranbrook was projected to be the size of Barnstaple by 2028 with 9000 homes.

Clyst Valley Regional Park

The objectives of this Park, following the river corridors, are to:

- provide a high quality green space;
- ensure natural systems are functioning optimally – 40% of the Park is floodplain and rivers are in poor condition;;
- ensure residents, commuters, school children and visitors of all abilities have access to high quality open spaces and a network of cycling and walking trails, thereby benefiting health, education and local food production;
- take recreational pressure away from key European protected wildlife sites, particularly the Exe Estuary and East Devon Pebblebed Heaths;
- link into open spaces of neighbouring local authorities;
- enhance biodiversity e.g. ponds, orchards, trees; and
- conserve heritage assets.

A Heritage Lottery Fund bid will be submitted to research tree condition and implement a planting programme.

Clyst Valley Trail

The concept is to provide a 10km multi-use commuter/recreational trail, linking the Exe Estuary to the Clyst Valley, Poltimore, Killerton and the Exe Valley Way.

Two historic buildings on the trail provide potential for additional funding and sites of interest on the trail. Poltimore House was the location at which the Civil War truce was negotiated and needs approximately £10m for a restoration scheme, which should also seek to restore the old parkland and unify it with the house. 47 hectares of parkland is being restored on the back of a planning application with a network of permissive footpaths linking to the trail under a 30 year access agreement. Bishops Court is an additional historic building on the route.

Preliminary estimates are that the trail will cost £5m and support is being sought through the DCC Transport Infrastructure Plan to 2030 and a variety of funding sources, partnerships and use of social media.

Responsibility for maintenance at a time of limited budgets means the option of a trust might also be explored from the outset.

Work on the wider network to link communities was being carried out, with an estimate of £11m. Sustrans had carried out an initial report for the National Trust but additional work with parishes would be needed. Phasing and funding needed to be worked out for linking schools, employment and recreational areas.

Advice from the DCAF on funding, trust establishment, mentoring and support was requested.

Comment was made that Milton Keynes was a good model where an office block provided income for green space. It was easier to get funding and attract volunteers if the model was a charity or not-for-profit company.

Questions were raised about ongoing costs and income streams. Mr Bates said this required a percentage of capital cost, upwards of 10% and dependent on the timescale and whether the trail was urban or rural. Surfacing should be low maintenance. It might be possible to have a membership scheme or a rates contribution in development areas.

Exploring European initiatives, such as accident fine payments for green infrastructure in Berlin, was suggested.

Action: *DCAF members to consider and feedback any appropriate initiatives.*

Following the meeting Forum members visited Cranbrook with Emma Jones, Cranbrook Country Park Ranger, East Devon District Council, and Simon Bates to discuss and view green space provision and use.