



Devon Countryside Access Forum
Lucombe House
County Hall
Topsham Road
EXETER EX2 4QD

Tel: 07837 171000
01392 382084

hilary.winter@devon.gov.uk

www.devon.gov.uk/dcaf

Minutes of the Forty-Seventh Public Meeting
of the Devon Countryside Access Forum
held at Devon Travel Academy, Westpoint, Clyst St Mary, Exeter EX5 1DJ
Thursday, 27 April 2017

Attendance

Forum members

Simon Clist	Linda Lee
Chris Cole (Vice Chair)	Sue Pudduck
John Daw	Mark Simpson
Gordon Guest	Sarah Slade (Chair)
Jo Hooper	Maggie Watson
Chris Ingram	Councillor Philip Sanders

Devon County Council officers and others present

Richard Andrews, Senior Adviser (Coastal Access), Natural England
Helen Clayton, Senior Manager, Public Rights of Way, DCC
Hilary Winter, Forum Officer, DCC

1. Introductions and welcome to new members

New members John Daw, Jo Hooper and Maggie Watson were welcomed.

2. Apologies

Apologies were received from Mark Bullock, Sean Comber and Andrew Cox. The resignations of Chris Britton and Ellie Wonnacott were noted. Appreciation was expressed to Chris Britton in his role as Vice Chair.

3. Declaration of interests

There were no declarations of interest.

4. Election of Chair and Vice Chair

Sarah Slade was elected as Chair, proposed by Mark Simpson and seconded by Sue Pudduck. Chris Cole was elected as Vice Chair, proposed by Chris Ingram and seconded by Linda Lee. An email from the retiring Chair, Laura Leigh, expressing thanks and best wishes for future meetings was read out.

The Devon Countryside Access Forum, is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CROW) Act 2000 (Local Access Forums), to advise on the improvement of public access to the countryside

5. Minutes of the Forty-Sixth meeting held on 26 January 2017

Minutes of the previous meeting were approved and signed.

6. Matters arising

6.1 Dog advice

The seasonal dog advice article had been circulated to the press. The article for the Daily Wag publication (East Devon) would be included in the forthcoming edition.

6.2 Correspondence log - Mid Devon

Clarification of glossary terms had been submitted to Mid Devon District Council.

6.3 Disability Access

The possibility of a conference or workshop on disability access would be investigated further.

Action: Forum Officer

7. Correspondence log

Attention was drawn to item 12. The Forum Officer had attended a workshop on dog walking but the proposed voluntary exclusion zone for the Exe Estuary, to protect bird feeding grounds, would cover all users, both land and water based. Gordon Guest had attended the Exe Estuary Winter Forum which had highlighted the decline in bird species on the estuary, a concern due to its international and national conservation designations. It was agreed the DCAF should respond to the forthcoming dog walking code, one of the codes being developed in association with the proposal, but send an initial advisory email focussing on dog fouling and the need for a consistent approach by the three councils, and to flag up the possible impact of dog displacement to other areas in Exmouth.

Action: Forum Officer to respond to the Exe Estuary Partnership.

8. DCAF member attendance at events/meetings

8.1 Disability access at Dawlish Warren. To note and approve letter. Feedback from visit on 13 April.

The letter was approved. The Senior Ranger at Dawlish Warren had invited the DCAF to discuss disability access and a site meeting had taken place attended by Simon Clist, Gordon Guest, Sarah Slade and the Forum Officer. Discussions took place about improving accessibility, particularly through the main access gate and a gate through to the sand dunes. Gates immediately beside the visitor centre through to the grazing area were more difficult to change. Members appreciated some of the difficulties raised by the Ranger, in particular gates being left open by members of the public. This led to ponies escaping through kissing gate systems unless additional diagonal wooden sections were put in place which restricted recreational access. It was agreed one gate could be kept open during part of the year as ponies only grazed during the autumn/winter. This was a sensible compromise. The

Ranger agreed to look at other changes and signposting to gates that were accessible. The nature reserve had extremely limited capital budgets for any improvement works and the scope for drawing in funds was discussed. It was suggested that TAP funding (town and parish funds) could be used, a source DCAF could highlight to other groups, or tourism money.

The availability of a funding pot for DCAF to allocate for improvement projects, as in some other counties, was raised. Match funding was also important.

Action: Forum Officer to draw up list of potential funding sources. Helen Clayton to take back request for a funding pot.

Attention was drawn to the availability of accessible gates, opened with a radar key. Chris Cole confirmed he had been involved in a development scheme in Pinhoe whereby developer money had been used to put in a radar gate.

8.2 Other meetings

Gordon Guest had attended the Exe Estuary Partnership Winter Forum meeting.

Laura Leigh, outgoing Chair, had attended a meeting of SW LAF Chairs and Vice Chairs to share good practice. Notes of the meeting would be sent to Sarah Slade.

Action: Forum Officer

9. Minutes of the Public Rights of Way Committee held on 2 March 2017

The minutes of the last Public Rights of Way Committee were noted. It was clarified that where an appeal is allowed in part, the Planning Inspector only directed the Authority to make a Modification Order for a section of a route and not the whole route.

10. Public Rights of Way update

Helen Clayton, DCC, provided information on current work.

a) Budleigh Salterton to Otterton

An improved gate at the White Bridge end was planned but had been delayed following storm repairs.

b) Lypstone

Remedial works were planned. Subsequent to the meeting it was confirmed these had been completed.

c) Budgets

These remained at the same level as 2016-17.

d) Wardens' work

Wardens were continuing with inspections and arranging vegetation cutting orders. Exeter was now stile free except for one and in Crediton and Shobrooke all stiles had been replaced by gates.

e) Multi-use

DCC had secured Access Fund money of £1.5m over three years to improve sustainable travel. The scheme aims to help people make informed choices on how they travel, encouraging more people to walk, cycle and use sustainable transport which provides health and environmental benefits. The Public Rights of Way team had been asked for advice on spending this fund and it had been decided parishes will be able to bid into funds. A steering group will allocate funding.

<https://www.devonnewscentre.info/funding-for-sustainable-travel-projects-in-devon/>

Action: Helen Clayton, DCC, to circulate information when available.

Following an internal DCC multi-use/recreational trail meeting it was confirmed the DCAF will be added to the planning consultation list as a standard consultee. The DCAF will not be involved at the pre-application consultation stage as its proceedings were in the public domain. Best practice was being established concerning design of structures to suit both landowners and disabled users and DCAF position statements would be included. It had been agreed an audit trail of decision making, particularly in terms of restrictive covenants, was important together with clarity and transparency around pre-application studies and audits.

Questions were raised about recent surfacing work on the Pegasus Trail. The new surface, extending for 1km, was seen as less suitable for horse-riders and impacted on cyclists and disability users too. The landscape impact in a rural area was greater. Helen Clayton confirmed that a price was being obtained to put a dust layer down. The trail was now a promoted route which influenced the standard. It was agreed the clarity of contracts was an important consideration.

Action: Helen Clayton, DCC, to feedback to the DCAF on this matter.

f) Definitive Map Review

A Modification Order to delete paths along the River Coly, made following an application by landowners, had not been confirmed by the Planning Inspectorate. The paths, added to the Definitive Map following an earlier decision, are therefore now formally recorded. Discussions will be taking place with landowners, in particular regarding the installation of a couple of large bridges. An engineer is looking at one existing bridge in stock to see if it is suitable. Putting the paths in place presented a funding issue as PROW capital funding for 2017-18 had already been allocated. Discussions are also taking place with the Ramblers.

A public inquiry at Pitt Farm, Hemyock and Culmstock had confirmed a Modification Order, with modifications made by the Inspector to add a footpath in Culmstock and a restricted byway in Hemyock.

A hearing had taken place in Sandford for a restricted byway and a decision was expected in due course.

Action: Helen Clayton would circulate a list of Public Inquiries/Hearings in case DCAF members wished to attend.

- g) Public Rights of Way Committee
The next meeting was taking place on 6 July.
- h) Deregulation Act
There was no timetable despite commitment to the process. The work in formulating the new regulations had been underestimated.
- i) Minor roads
A discussion took place on the likely DCC downgrading of minor roads in terms of maintenance, not legal status. Some were likely to come across to Public Rights of Way for maintenance. It was understood proposals will be circulated to parishes. Concerns were raised about roads with partial closure or where damage could occur to cars. Diminution of safety standards could become an issue where minor roads became increasingly used for recreational access. The Public Rights of Way team was in discussions about the impact on its budget and the need for a proper handover of additional routes.

It was agreed the DCAF had a role in flagging up the shifting burden of cost to Public Rights of Way.

Action: Forum Officer to draft email to register the DCAF's interest in the process.

11. To note and approve responses to consultations or advice given and any feedback

11.1 List of Streets

The email to the Assistant County Solicitor was noted and approved. Helen Clayton, DCC, had subsequently had a meeting and it was agreed there was no reason why the List of Streets (highways maintainable at public expense) should not include Definitive Map information on public rights of way (the majority of which were also maintainable at public expense). There were some technical issues associated with migrating the information across and further talks would take place. As well as assisting with the Definitive Map review a complete List of Streets would help with planning search enquiries and internal matters. This proposal was welcomed.

Action: Helen Clayton, DCC, to progress and report back.

11.2 Revised draft Charging Schedule and Regulation 123 List consultation - North Devon Council

The response was noted and approved.

11.3 Revised draft Charging Schedule and Regulation 123 List consultation - Torridge District Council

The response was noted and approved.

11.4 Buckfastleigh Neighbourhood Plan

The response was noted and approved.

11.5 Greater Exeter Strategic Plan - Issues

The response was noted and approved.

12. Current consultations

12.1 Coastal access report - Kingswear to Lyme Regis

Richard Andrew, Senior Adviser Coastal Access (Devon and Cornwall) with Natural England gave a presentation on the Kingswear to Lyme Regis coastal access report.

The report was divided into nine chapters, each covering a section of the coast (68 miles in total).

Natural England had written to all landowners along the trail and in the coastal margin. There were 2000 landowners within the coastal area; 400 adjacent to spreading room and 200 with land on the trail or in the coastal margin.

The trail had not been walked and NE had looked at the current infrastructure and information from the SW Coast Path Association, Devon County Council, Torbay Council, the National Trust and other groups. There were no realignments from the existing SWCP route.

Specific alternative routes had been identified at Man Sands, to avoid times of flooding, and along the Exe Estuary trail when the ferry is not running.

Rollback identified areas where the coast can move back in negotiation with landowners when the trail erodes but the revised route would not need to go to the Secretary of State. The coastal margin is the area between the trail and the sea, and landward at discretion.

Natural England had used 25 and 50 year data from the Environment Agency and had been in discussions with authority wardens and rangers and others regarding particular issues. Along the coastal margin there is reduced liability for landowners, below that of trespass.

There will be restrictions on access by foot at Dawlish Warren due to conservation reasons. The proposal will mirror the voluntary exclusion zone being proposed at Dawlish for the Exe Estuary and will be reviewed after five years. The other exclusion is on the Otter estuary on health and safety grounds due to mud flats and salt marsh.

The report, published on 30 March, has an eight week consultation period. Anyone can make representation on the statutory form and these will be sent to Defra. Those landowners affected can object and these forms will go to Defra and the Planning Inspectorate to determine whether the objection is valid. Once due process has been followed, the Secretary of State can approve with or without changes.

Where an area needs rollback the trail will move slowly back as there is erosion. Comment was made that from the establishment and maintenance cost perspective it would be best to do it once, on a proper basis. Mr Andrews replied that if a new

gate is needed it may go back further. No decisions are made on where a future route will go; it is a principle rather than a line on a map.

Where there are multiple representations about a particular site, it was confirmed that these will be summarised and a statement made about the number of representations.

It was suggested that NE specify the Lower Ferry in Dartmouth in the report, rather than stating ferry.

It was suggested that accessibility could be improved. Many coastal car parks include earth bunds which deter access. Sections of uneven ground could still be suitable for scooters and wheelchairs. It was confirmed that discussions had taken place with local people, rangers and local authorities. Funding was limited. The DCAF was advised to include specific proposals for improvements in its comments on the next stages.

The poor ferry access, via steps, at Starcross was mentioned. The DCAF was advised to take this up with the access authority.

The Forum noted that the budget for this stretch was just under £20,000 for all work which appeared insignificant. It was confirmed that as this route followed the SWCP costs were minimal and were either for new gates or interpretation boards.

It was agreed it would be complicated and confusing if there was no alignment between mandatory and voluntary exclusions at Dawlish Warren, put in place under coastal access and other legislation by Natural England and Teignbridge District Council.

It was noted that there was no roll-back at Ladram Bay and elsewhere along the East Devon coast. This would be a matter to put in the representations.

It was clarified that where the existing coast path is on a permissive route this would become the England Coastpath and a landowner could not withdraw the permissive route.

Natural England would discuss maintenance with the local authorities, particularly on new routes.

In terms of progress elsewhere, Minehead to Combe Martin would be published on 15 June - delayed due to purdah. Investigations on the next stretches from Combe Martin to Marsland Mouth and Kingswear to Cremyll would commence Stage 1 (investigation) in June.

The closing date for the consultation was 25 May at 5 p.m. Members were asked to provide any comments by 5 May.

Action: Members to submit comments to the Forum Officer.

13. To consider and approve draft disability access position statement

A discussion took place on the draft disability access position statement and further suggestions made by Gordon Guest. It was agreed it needed to be clearer with the

number of advisory bullets increased to focus attention. The statement was aimed at local authorities, developers, planners and councils and it was agreed the content should reflect that and elements of best practice. Although there were other types of disability it was agreed restricted mobility should be the main focus of the position statement with a statement reflecting that improvements for wheelchairs and trampers would also benefit buggy users. It was agreed the legal framework around equality and public responsibilities should be included.

The DCAF resolved that an initial draft should be worked on by Gordon Guest, Chris Cole, Jo Hooper and Maggie Watson before circulating to all members.

Action: Forum Officer to progress with the disability sub-group.

14. Work Plan

Following discussion it was agreed that the National Trust should be invited to speak at the October meeting and either Countryside Mobility or Living Options at the January meeting.

A joint training event with Dartmoor Access Forum was proposed.

It was agreed working groups would be arranged in the autumn to discuss coastal access for forthcoming stretches in South and North Devon.

It was noted that horse riding information for Devon was not as comprehensive as it could be. Multi-use sections of the National Cycle Network were not clear, unlike some other counties such as Cornwall and Dorset. It was confirmed the recreational trail information was not the responsibility of the Public Rights of Way section but Explore Devon. The Public Rights of Way website marked clearly all the bridleways. It was agreed to convene a working group to discuss this and also the availability of carriage driving access. Members of the group confirmed as Chris Cole, John Daw, Chris Ingram and Linda Lee.

Action: Forum Officer to arrange working group and speak to Explore Devon prior to the meeting.

Chris Cole provided a list of acronyms used by the Trail Riders' Fellowship and suggested a DCAF version might be useful.

Action: Forum Officer to progress.

15. Training Day

A joint training day with Dartmoor Access Forum to view Fingle Woods in the first week of July was proposed.

Action: Forum Officer to liaise with Dartmoor Access Forum.

16. National LAF Conference

The Conference was on 21 June in Birmingham. Sarah Slade offered to attend with Jo Hooper and Sue Pudduck as 2nd and 3rd reserves.

17. Dates of meetings 2017-18

Dates for 2017-18 were confirmed as 12 October and 25 January.

18. Any other business

18.1 County Councillors on the DCAF

Thanks were expressed to Cllr Philip Sanders and Cllr Jim Knight for their work on the DCAF during their term as Chair and Vice Chair of the Public Rights of Way Committee, DCC.

18.2 Bridges

Gordon Guest noted access improvements to bridges at Cullompton, Heddon Valley and on the Granite Way. It was agreed he should write as an individual to express thanks, stating that he had raised this at the DCAF meeting.

Action: Gordon Guest

18.3 Website biographies

Biographies would be added to the DCAF website following the DCC elections and confirmation of councillors as Chair and Vice Chair of the Public Rights of Way Committee.

18.4 DCAF Annual Report

The report would be compiled shortly and circulated to last year's members.

18.5 Letterhead

It was agreed not to alter the current DCAF logo when letterheads are re-printed.