



Devon Countryside Access Forum
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Minutes of the Fifty-Second meeting
of the Devon Countryside Access Forum
held at The Kenn Centre, Exeter Road, Kennford, Exeter EX6 7UE
Thursday, 24 January 2019

Attendance

Forum members

Andrew Baker
Sean Comber
Jo Hooper
Linda Lee
Charlie Lloyd

Sue Pudduck
Councillor Philip Sanders
Sarah Slade (Chair)
Maggie Watson

Devon County Council Officers and others present

Helen Clayton, Senior Officer, Public Rights of Way, DCC
Ros Mills, Public Rights of Way Manager, DCC
Richard Walton, South West Coast Path National Trail Officer
Hilary Winter, Forum Officer

1. Apologies

Apologies were received from Simon Clist, Chris Cole, Sean Comber, John Daw, Gordon Guest and Sophie Pritchard.

2. Declaration of interests

No interests were declared.

3. Minutes of the meeting held on 9 October 2018

Minutes of the previous meeting, held on 9 October, were agreed and signed.

4. Matters arising

4.1 Exe Estuary Partnership Dog Walking Code (4.1 09.10.18)

An email had been received from the Exe Estuary Officer thanking the DCAF for its feedback and guidance on the Dog Walking Code. The Officer had taken on board the DCAF's useful suggestions for further distribution of the code.

It was confirmed there were no current links between the Exe Estuary Management Partnership and the Forestry Commission and any contact names would be appreciated.

The Exe Estuary Officer said that signing to dog available areas is being looked into by the Devon Loves Dogs project and she will ensure the importance of this is highlighted. It was not included in detail in the signage review.

The signage review had been completed and will guide signage updating by a variety of organisations. It was not possible to achieve common themed signage due to the range of organisations involved, although the DCAF suggestion was appreciated.

4.2 Coastal access progress reports (16. 09.10.18)

An email from the Lead Adviser (Coastal Access – Devon, Cornwall and Exmoor), Natural England, was brought to the meeting.

The Cremyll to Kingswear report will be published this summer (and not in the spring as previously noted).

Natural England had not received any specific concerns to date about roll-back provisions, although there are issues being raised by landowners relating to both the route itself and the coastal margin. In terms of the estuaries, Natural England had identified an Alternative Route for the Yealm Estuary, mostly using existing public rights of way and highways, and discussions are ongoing as to how the ferry service on the Avon Estuary could be improved.

5. Public questions

5.1 Highway Code

Members agreed to write to the Department of Transport to support the inclusion of horse riders as vulnerable users in the forthcoming review of the Highway Code. It was suggested and agreed that carriage drivers should be included.

Action: Forum Officer to circulate draft to members.

6. Correspondence log

Attention was drawn to item 8 on the Correspondence Log. The Marine Management Organisation had arranged workshops to facilitate responses to iteration 3 of the south west marine planning area. Much of the plan was peripheral to the DCAF's remit but access elements were included in the 'Social' theme of the plan. Sue Pudduck expressed interest in attending and would feedback to members to allow a response by close of the engagement period on 29 March 2019.

Action: Forum Officer to forward workshop details to Sue Pudduck.

7. Reports from meetings attended by DCAF members

7.1 Regional Local Access Forum 2026 Training Day

Chris Cole, Councillor Tony Inch, Sue Pudduck and Hilary Winter had attended the event led by Phil Wadey and Sarah Bucks.

Sue Pudduck reported that it had been a very interesting day. Workshop leaders recommended research to ensure paths were recorded on the Definitive Map. Examples of case studies, use of different historical documents and the value of evidence sharing were included.

Helen Clayton, Senior Officer, Public Rights of Way explained that there was a duty for surveying authorities to keep the map under continuous review. Most authorities relied on applications being made. Devon County Council is more proactive and carries out the review on a parish by parish basis looking for anomalies and investigating claims, and deals with applications as part of that process. There was now more awareness and DCC is starting to receive enquiries on claims not picked up under the review.

The National Environment and Rural Communities (NERC) Act 2006 restricted rights for motor vehicles. Applications were put in for Byways Open to All Traffic by the Trail Riders Fellowship prior to the Act, but the retrospective cut-off was 2005. Any claim would now be a restricted byway, unless it met one of several exceptions. The cut-off date of 2026 for historical claims does not affect restricted byways.

Helen Clayton stated that DCC had a target of January 2020 to finish its parish by parish review. Applications would still be picked up after that date. Parish progress was itemised on the public rights of way website.

The 2026 cut-off date is likely to include a host of saving provisions, to be set out in regulations with the implementation of the Deregulation Act 2015. Different types of evidence carry different weight. In answer to a question, it was confirmed use of the term FP on an historic map did not necessarily indicate a public right of way; historic Ordnance Survey maps show physical features on the ground, but not whether they were considered public or private.

7.2 Parish Paths Partnership annual volunteer events

Andrew Baker, Sue Pudduck and Sarah Slade had attended P3 'walk and talk' events in Shobrooke, Hope Cove and Croyde respectively. Feedback was very positive and members had viewed several interesting issues such as installation of dog friendly gates and dealing with surface maintenance. It was an opportunity for cross-parish discussions and the chance to meet dog walkers, landowners, councillors and parishioners. It was agreed the new format worked well.

8. Minutes of the Public Rights of Way Committee meeting held on 15 November 2018

Minutes of the Public Rights of Way Committee were noted. Minutes of the DCAF meetings were on the agenda for the ProW Committee, held three times a year, and generated interest amongst councillors. The ProW Committee agenda mainly focussed on its legal role.

9. Public Rights of Way update

Ros Mills, Public Rights of Way Manager, reported on the following items:

- 1) Work for the financial year is being completed. Wardens are delivering maintenance work on the public rights of way network and cycle/multi-use trails.
- 2) Linear cracks on the Exe Estuary Trail are being investigated by the DCC Materials Laboratory. There was a rolling programme of surface improvements on the off-road cycle/multi-use network.
- 3) There will be a cut in the revenue budget for 2019/20 but an increase in capital, mainly due to additional Government money for drainage and surfacing to highways, of which public rights of way are part. Devon's tourism economy is significant and the wardens work with landowners to manage the network and ensure it is accessible for visitors and locals alike.
- 4) The Enforcement Protocol, on which the DCAF had an input, will be going to the Public Rights of Way Committee in July.

A discussion took place on a new walking/cycling bridge built near Barnstaple through the development planning process that currently had no exits to footways or public rights of way. DCC is looking into securing a permissive route to a nearby footpath. There was a fatality on the A road nearby when someone crossed from a minor road to a public right of way. Once development takes place the bridge will connect.

It was noted that many public rights of way end at A roads which were not so busy in the past. It is difficult to do improvements retrospectively. DCC has, however, a widening scheme for the North Devon Link Road and the Public Rights of Way team had persuaded the Council to include a bridge to link existing public rights of way and this would be going for planning permission.

This raised the importance of discussions at an early stage in the process and ensuring different levels of local government and DCC liaise to investigate opportunities. It was noted this would tie in with the Rights of Way Improvement Plan.

It was agreed to look at the DCAF planning position statement in the first instance to see whether it could be adapted to include road proposals.

Action: Chair and Forum Officer to review planning statement.

Helen Clayton, Senior Officer, Public Rights of Way reported on the following:

- a) The next PRow Committee would be on 4 March and five parish reviews were on the agenda.
- b) A Public Inquiry held at Ugborough in October confirmed a Definitive Map Modification Order to add a bridleway based on user evidence. This is through a recreation ground (Filham Park) owned by Ivybridge Town Council. A diversion had to be resolved as the defined route is through a cricket ground and a pond, constructed after the route had been established.
- c) P3 surveys were being undertaken.
- d) Public Rights of Way digital information is now on the digitised List of Streets with a disclaimer that the information is not the Definitive Map. This can be viewed in County Hall or by contacting Land Charges. Internally the information is useful to confirm that PRow are highways maintainable at public expense.
- e) The Pegasus Trail is progressing and new sections are planned.

10. Presentation by Richard Walton, South West Coast Path National Trail Officer

Richard Walton, National Trail Officer for the South West Coast Path, was welcomed to the meeting. The role is now hosted by the South West Coast Path Association.

Mr Walton outlined some key facts about the SWCP.

1. The SWCP is one of 16 National Trails in England and Wales, designated under the National Parks and Access to the Countryside Act 1949, and had its origin in old coastguard paths.
2. It connects 1 National Park, 5 Areas of Outstanding Natural Beauty, 1 Biosphere, 2 World Heritage Sites, 1 Global Geopark and 10 National Nature Reserves, as well as other designated conservation sites.
3. 220 miles of the SWCP are in Devon, out of 630 miles.
4. The highest point is Great Hangman in North Devon at 1043 feet.
5. Approximately 9 million visits are made to the SWCP, excluding daily residents' use.
6. Path users expend more than £500m
7. In excess of 11,000 full-time jobs are sustained by income from walkers.

In budget terms, the SWCP requires an annual budget of £721,000 of which Natural England provides £464,000 and local authorities, the National Trust and the South West Coast Path Association provide the remainder. Day-to-day management and maintenance, carried out by local authorities and the National Trust, costs approximately £624,000. The National Trust own 1/3 of the SWCP area. It costs about £1000/mile to look after the SWCP. 5-10% of the path furniture needs to be replaced annually.

The Delivery Group which meets biannually includes the main financial stakeholders and the National Trust. Mr Walton said he is trying to achieve more engagement with a wider group of stakeholders, including the Devon Countryside Access Forum, through informal, regular contact, regular liaison, one to one meetings and newsletters. There are several Area Liaison Groups made up of volunteers, managers and rangers and these are very effective in determining work priorities and seeking additional investment.

The South West Coast Path Association has a role in campaigning and fundraising. The path has seen a 40-50% cut in budget over the last 10 years and local funding has addressed some of this impact.

Data from 2014/15 demonstrated the most important factors when deciding where to walk were: attractive views and scenery (98%), clear signposting (88%), away from roads (86%), information panels along the route (82%), destinations and distance on signs (81%), not overgrown (81%) and stiles, gates, steps easy to use (79%). The SWCPA hopes to get up-to-date data.

The SWCPA aimed to achieve good accessibility where possible and provide useful website information on gradients and surfacing. For example, work had been done with the National Trust at Bolberry Down. Walks were branded to include day walks, circular walks and grades of difficulty. Work is undertaken with Countryside Mobility to promote and extend opportunities for trampers which can deal with gradients of 1 in 4.

Current projects include Explore South Devon, a £41,721 project including a LEADER grant of £33,376.80. This aims to promote 19 circular walks and provide better on-site information boards, supported by improved mobile and website information. The App needs improving to provide the right level of content.

An application had been made to the Rural Development Programme for England to deliver improvements at 14 sites across Devon, plus other locations, and a decision will be known shortly. This will make them easier to use all year round.

£100,000 of legacy money had been put into the capital programme and will be used to draw down other monies.

Challenges for the SWCP are coastal erosion and the impact of climate change which increases susceptibility to cliff falls. This is a big challenge and some temporary diversions are being sought. The designation of the England Coast Path, with its area-based zones and spreading room, will help with realignment associated with coastal erosion.

The England Coast Path and the SWCP will co-exist. There may be some examples where there are slightly different routes such as in Plymouth where the England Coast Path will use the ferry route. None are known of in the Devon local authority area. This may mean some funding issues. The SWCP branding is likely to be retained with some element of dual branding.

Questions were raised by Forum members in the following areas.

- 1) Can Apps assist in the provision of information, for example location of toilets?

Mr Walton said a lot of work was taking place with parish and community groups, focussed around information provision. There was the opportunity through the SWCPA to get funding and seek improvement of toilets.

Generally, the SWCPA was branching out in terms of its funding requests and looking also at social mobility. The SWCPA was involved in Connecting

- Actively to Nature (over 55s) and well as educational provision and working with primary schools.
- 2) Could website improvements include accessible toilets, transport links and parking information?
Mr Walton said that constant review and improvement is needed on the website. A lot of information was embedded and not necessarily easy to draw out.
 - 3) No mention had been made of health reasons as an opportunity for funding? Mr Walton cited Connecting Actively to Nature as an example. The local authorities had added public health responsibilities and active lifestyles are key factors to link in.
 - 4) Would the Acorn brand continue?
Mr Walton confirmed the Acorn was the branding for the National Trails and this would be the same for the England Coast Path. There may be some subtle local branding for the SWCP.
 - 5) What are you looking for from the DCAF?
Mr Walton stated that he would appreciate regular dialogue and direct sharing of information. He is trying to work out what works best and the synergies.

Mr Walton was asked to feed back to the Forum Officer with progress on ideas. It was agreed it would be helpful if the DCAF was included as a key partner to invite to any workshops.

11. DCAF Greenspace position statement

Members considered a draft greenspace position statement, intended to supplement the existing planning position statement.

It was noted that districts had already adopted or were about to adopt Local Plans and it was difficult for local authorities to impose conditions on developers that were not embedded in the Plan, although it might be possible to include elements in Supplementary Planning Documents. It was agreed the statement could be circulated to local authorities and to officers with greenspace responsibilities.

It was not known whether Dartmoor Access Forum was preparing a similar statement but the DCAF work could be shared.

A discussion took place on the defined greenspaces and whether the specific provision for children and teenagers should be included in the list of more general types of greenspace. It was noted that these were Government definitions and it was agreed the needs of that group should be retained.

It was agreed to put in full weblinks rather than hyperlinks and amend a sentence stating 'unused to accessing greenspace' to 'unfamiliar with accessing greenspace.'

It was agreed to adopt the position statement, subject to minor amendments, and publish and circulate.

Action: Forum Officer to finalise position statement.

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

12.1 Cycling and Walking Investment Strategy safety review: proposals for new cycling offences

The response was noted and approved. The Government had recently published its comments.

12.2 Areas of Outstanding Natural Beauty Position Statement

The response was noted and approved.

12.3 Emerging Exeter Vision for 2040

The response was noted and approved.

12.4 Protected Landscapes Review

The response was noted and approved.

13. Current consultations

13.1 Hemyock Common

Natural England had a responsibility to review long term directions on access land and the one for Hemyock Common had come up for review. The DCAF had supported the original direction in 2013. The purpose of the consultation was to consider whether there was a need for the direction to continue, originally put in place to allow the Gun Club to continue uninterrupted clay pigeon shooting on specified and approved days each year. The Gun Club was an established user of the land.

A discussion took place and several different views were expressed. A five-year restriction was considered to be a long exclusion and it was questioned whether one group of people should have a right in principle to exclude others from exercising their right to use access land. In practice, if the Gun Club manage the land others may get the benefit of any improvements to access.

It was noted that the District Council is reviewing noise levels as part of concerns raised by near neighbours. It was agreed this would be determined under different legislation and should not influence the DCAF response.

The consultation included two different timings for restrictions on a limited number of days each year. This still provided opportunity for access users to use the Common at other times. It was agreed clarification would be helpful on the different timings.

The Gun Club had an agreement with the Parish Council, as landowners, but the terms of that agreement were not known. It was thought that the Parish Council should be aware of and respond to local views.

Sharing access land for different purposes was acknowledged, for example army use on Dartmoor, and the balance to be struck between different users.

It was recommended that access users should be signposted to other space that could be available locally when access on Hemyock Common is restricted.

It was noted that the Gun Club manage the land on behalf of the Parish Council and assist in improving access.

After debate and a vote, it was agreed that a continuation of the direction should be supported.

Action: Forum Officer to circulate draft to members.

13.2 Fire Beacon Hill management options consultation

Chris Cole and the Forum Officer had attended a consultation event at Fire Beacon Hill. Comments from Chris Cole were shared. These mentioned that the car park area would benefit from being enlarged; any new gates and replacement of existing ones should, if practical, be suitable for all users including people with restricted mobility; and that limited fencing/grazing areas should not conflict too much with public access.

It was agreed there was scope to improve access generally and that the DCAF position statement on disability access should be submitted with the response.

Although the car park at the southern end was small, members decided not to recommend it should be enlarged due to the nature conservation aspirations for the site.

It was agreed that the RSPB should be encouraged to work with the Woodland Trust and Forestry Commission to manage the whole area and, where possible, improve access. Partnership working should be encouraged. Temporary electric fencing was not seen to deter access if on a rotation basis. Any permanent fencing would require an application to the Planning Inspectorate.

It was agreed that precise vegetation management prescriptions were outside the remit of the Forum but it would be helpful if any management changes were communicated to the public.

Action: Forum Officer to circulate draft.

14. Dates of meetings 2018/2019

Dates of forthcoming meetings were agreed:

Thursday, 25 April 2019 10.00 a.m.

Thursday, 19 September 2019 10.00 a.m.

Thursday, 23 January 2020 10.00 a.m.

Several venues were suggested and would be investigated.

15. Any other business

Local Nature Partnership

Maggie Watson expressed interest in attending a Devon Local Nature Partnership Conference if one was planned for 2019.

Action: Forum Officer to contact the Devon LNP.

Devon Countryside Access Forum membership

The Forum Officer said that the recruitment process for Forum membership was currently taking place. She expressed thanks and appreciation to Sarah Slade, Chair; Simon Clist, Gordon Guest and Linda Lee who would come to the end of their three-year term at the end of March. Retiring members could reapply for membership.