



Devon Countryside Access Forum
c/o Public Rights of Way team
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**Minutes of the Sixty-Sixth meeting
of the Devon Countryside Access Forum
held at County Hall, Exeter EX2 4QD**

Monday, 22 January 2024

Attendance

Forum members

Andrew Baker	Tino Savvas
Cllr Richard Chesterton	Robert Sewell
Tim Felton	Lorna Sherriff
Lucinda Francis	Sarah Slade (Chair)
Cllr Linda Hellyer (virtual)	Tim Spray
Jo Hooper	Glynn Yabsley
Sue Pudduck	

Devon County Council Officers and others present

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

1. Apologies

Apologies had been received from Jo Burgess, Chris Cole, Gordon Guest and Bryan Smith.

2. Declarations of interest

There were no declarations of interest.

3. To approve minutes of meeting held on 18 September 2023

Minutes of the meeting held on 18 September 2023 were approved and signed.

4. Matters arising

4.1 Network Rail. Sandy Lane, Rewe

The Chair welcomed Daniel Hayes, Level Crossing Manager, from Network Rail. Mr Hayes explained that Sandy Lane was currently closed at both ends whilst works were being undertaken. No Traffic Order Regulation was in place. Works being done on the crossing included a new surface, gates with cradles either side of the track and a miniature warning light system to allow time for pedestrians to cross. There were no rights for motorbikes or horses to cross the railway line at this location, although motorbike use had been reported in the past.

The new crossing, surfacing, fences, approaches, and signage were being finalised and would be tested by the Civils and Telecommunications teams in early February. Work had been delayed as much had to be done overnight as it was a main line. Mr Hayes apologised for the long closure.

Network Rail had been contacted about accessibility. If the gates were changed to permit this, motorbikes could potentially access the crossing. Works could be done on the lane to prevent motorbikes.

Andrew Baker, also Chairman of Rewe Parish Council, expressed frustration at the length of time the crossing had been closed and the lack of consultation with the Parish Council. The positioning and timing of the warning lights was critical on the busy stretch of line.

It was agreed and stressed that a Network Rail policy to routinely consider accessibility should be essential at the beginning of the planning process for any crossing to meet Equality Act requirements. Any crossing might be used by disabled people if suitable gates were installed. Procedures should be put in place to consult and design appropriate solutions, wherever safety considerations could be met.

Richard Walton, DCC, confirmed that the Institute of Public Rights of Way officers (IPROW) had done a lot of work with Network Rail. The crossing was unusual as the crossing point was a 'pedestrian only highway,' not a footpath, and the lane either side was an unsurfaced, unclassified county road. He requested specification details for the gates and associated access work being undertaken.

It was resolved to write to Daniel Hayes and senior staff within Network Rail to advise that a policy and process for assessing accessibility use and adaptations should be developed. This applied generically and not just to Sandy Lane. A draft would be circulated to members. Learning from this could be brought back to IPROW.

Action: Forum Officer

4.2 Defra response on dog issues

Hansard for 14.09.23 reported Trudy Harrison's response to a Parliamentary question. (Trudy Harrison MP was Parliamentary Under Secretary of State in the Department for Environment, Food and Rural Affairs at that time).

"Publication of the membership, regular participants and key stakeholders who have engaged with the Responsible Dog Ownership working group is expected later this year alongside their conclusions. We are currently working in partnership with the police, local authorities and animal welfare organisations to address all aspects of tackling irresponsible dog ownership effectively, from prevention to robust, consistent enforcement, focussing on owners as well as on their dogs." This information had not yet been published.

It was agreed that the existing DCAF information on varying dog legislation should be placed on the new Local Access Forum SharePoint discussion board.

Action: Forum Officer

4.3 Former railway line between Buttercombe and Foxhunters

Planning approval for the 700m trail between Buttercombe and Foxhunters was granted in late September which pre-empted any further DCAF comments on surfacing. The surfacing, as stated in the planning application, would be bound tarmac which did factor in British Horse Society advice but was more intrusive in the landscape. It was agreed that earlier involvement in the process would be helpful. It was suggested rolling chippings into the top surface or changing the colour might reduce the impact. Surfacing considerations would be included in the Rights of Way Improvement Plan.

4.4 Annual Report

The Annual Report had been put on the website and the national Local Access Forum SharePoint site.

4.5 Local Cycling and Walking Infrastructure Plans

A number of suggestions were made to improve the draft position Local Cycling and Walking Infrastructure Plan position statement.

- Design and Safety aspects, point 9. The first sentence to be amended to read 'Replacing stiles and kissing gates with 1.5 m wide gates with easy access latches and trombone handles where gaps are not possible.' A new fourth sentence to be added stating that 'weight of gates should be considered to allow easy access.'
- Whilst encouraging road users to consider how they could improve their own safety was a valid point, it was considered not appropriate

for this position statement.

- Identifying the focus, point 1). It was agreed dog walkers should be added to the list of users.
- Design and safety aspects, point 6. It was agreed that different surface treatments could include different colours to make the trail less visually intrusive.
- To future proof the position statement it should refer to adopting up to date best practice.

A further draft would be circulated for approval.

Action: Forum Officer

5. Public questions

There were no public questions.

6. Correspondence log

The correspondence log was noted. With reference to the footpath obstruction, it was confirmed this related to electric fencing dividing a field into multiple horse areas.

7. Report on meetings attended by DCAF members

7.1 Northbrook Park visit with Devon Wildlife Trust

Gordon Guest, Sue Pudduck, Sarah Slade and Tim Spray had attended a meeting at Northbrook Park, Exeter, with staff from Devon Wildlife Trust to discuss new paths and improvement plans. There was evident local interest in proposals for the Park and it was important for the DWT to connect with the local community.

7.2 Opening of the Elizabeth Bridge, Lower Otter Restoration Project

Gordon Guest and Lorna Sherriff had attended the opening of the new Elizabeth Bridge. This had been well-supported with various groups, such as the Disabled Ramblers, being photographed. Everyone was very positive about the bridge.

8. To note minutes of the Public Rights of Way Committee held on 23 November 2023

Minutes of the Public Rights of Way Committee held on 23 November were noted.

9. Secretary of State's Decisions on the England Coast Path

The Secretary of State's decisions on the England Coast Path in north and south Devon were noted.

10. Public Rights of Way update

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

Staffing

The Partnerships and Projects Officer post had been advertised. This would include P3. A good response had been received and interviews would take place shortly.

It was hoped to progress the senior post for the Definitive Map and Technical team in the next financial year. In the interim, a meeting had been arranged with WSP, contractors to DCC, to organise temporary support on planning applications, Public Path Orders, temporary Traffic Regulation Orders and development work on the England Coast Path.

Tim Spray said the East Devon Ramblers had met with East Devon National Landscape officers to discuss surveying the East Devon Way for any issues. It would be useful to liaise with the new Partnerships and Projects Officer when appointed.

Budgets

Information was being fed into a Cabinet report on the Capital Programme. The current capital allocation for 2023-2024 was £1.9m with £1m of that investment on the Exe Estuary Trail, led by the Engineering Design Group. £900,000 was being spent on public rights of way projects including path furniture and drainage. The public rights of way team had tapped into resilience funding for storm repairs which had caused surface water flooding and tree damage.

No substantial cuts in revenue budget were anticipated in the next financial year but with inflation spending power would be reduced. The capital allocation may potentially be a little higher.

A ring-fenced sum of £150,000 had been secured from the Asset Innovation Fund for 2024-2025 with flexible spend over the next couple of years. This is to explore surfacing techniques with an emphasis on optimising environmental sensitivity and securing carbon reduction with a focus on shared use and durability. Locations where good data could be obtained were being explored, including a section of the Exe Estuary Trail.

In response to a question about use of road planings, a waste product, Richard Walton confirmed that planings were used in accordance with waste exemption licences and the public rights of way team was reviewing locations to optimise storage for quick re-use. Planings were useful, in particular where there were private vehicle rights. The designer checklist for road improvement schemes meant that public rights of way were consulted about planings.

As not all landowners permitted storage of planings, it was suggested that the National Farmers Union might contact members to see whether farmers would be prepared to store, provided their waste licences permitted this.

Action: Richard Walton

Definitive Map Review

The Definitive Map Review team were on target to complete parishes by the end of 2025, with a focus on opening meetings for the last few parishes. The priority would then be on schedule 14 applications where public rights of way, thought to exist on historic evidence, are not on the map. Some of these were being picked up as part of the parish review too.

Warden work

Key challenges were surface water and tree damage resulting from storms. As examples, three bridge crossings on the River Otter were impacted.

1. The Coleridge Bridge handrail had been damaged by a fallen tree, including the top rails which are integral parts of the bridge structure. Engineers were investigating. The bridge, an important school route and part of the National Cycle Network, was likely to be closed for a long time. The nearby public footpath (south of the bridge) had been eroded with part of the riverbank totally washed away. Resolution of this involved consideration of wider responsibility issues associated with a housing development and former flood wall built by the Environment Agency.
2. Red Bridge at Newton Poppleford, part of the East Devon Way, is being impacted by river movement and the current location is unlikely to be viable in the future. A new bridge location is proposed a little downstream, to potentially include upgrading its status.
3. At Dotton Bridge, near Newton Poppleford, river movement had caused erosion either side of bridge pillars. Engineers were looking at temporary solutions to re-open the bridge. An unclassified, unsurfaced county road met the bridge.

Much work was being carried out on uUCRs to improve the surface and drainage.

Following proactive inspections, work to fell trees affected by ash dieback was being carried out on the Wray Valley Trail and Drakes Trail with three-week closures. Information had been shared on Facebook and with businesses. The target was to finish before half term.

England Coast Path

Following the Secretary of State's decision letters, the projects list would be updated in liaison with Lorna Sherriff, South West Coast Path Officer. Approximately £500,000 worth of projects had been identified for 2024-2025. These included a new route to take the trail above the road between Croyde and Saunton and avoid an unpleasant road crossing; waymarking of a route at Saunton Sands (factoring ordnance requirements in relation to Braunton Burrows and the MoD); accessibility improvements between Saunton Sands and Braunton by providing graded bypasses around historic stone stiles, also part of the drainage network; habitat related signage works in consultation with the district councils; alignment work around Skern, Appledore, including stabilisation of the coastal defence; and signage at

Hartland Quay. In south Devon works include accessibility improvements at Wembury in conjunction with the National Trust and South Devon National Landscape; and a high tide route at Mothecombe. Planning permission is in place for the Mothecombe works. Additional projects include signage for estuary routes, a new route along Shady Lane at Stoke Fleming and coast path improvements near Blackpool Sands where a tree came down in a storm. This removed a section of path with the root plate undermining stability and proximity to the cliff face meaning design specifications could not be signed off.

In response to a question about Lighthouse Beach, it was confirmed that DCC would have powers to connect the public right of way and coastal access rights once the designation process was complete, hopefully in the summer. DCC will then work with the landowner and should be able to secure removal of the gated structure. Any obstructions to the existing footpath from Beacon Road would be a public highway enforcement matter.

Work continued on Beacon Road in Kingswear. A Traffic Regulation Order was in place which allowed continued pedestrian use.

Stover Park

Following a question at the last meeting, it was confirmed that visitor numbers at the Park were 186,000 in 2022 and estimated to rise to 203,500 in 2027. Despite optimising contingency and inflation figures, the contract costs for the visitor discovery centre had come in over budget. Discussions were taking place with the preferred tenderer to achieve savings and contractors should be on site at the end of February. The National Heritage Lottery Fund were content with this. Focus was on the Discovery Centre and funds would have to be secured elsewhere for the car park works to complete these within the timescale, for example through section 106 developer contributions. In a worst-case scenario, an application would have to be made to the NHLF to reduce the scope of the project.

Consultants were finalising design work for the Gatehouse and Serpentine Lake restoration. Tenders were due in for the lake desilting.

11. Rights of Way Improvement Plan review

11.1 Rights of Way Improvement Plan review - DCAF consultation response

The response submitted to the Rights of Way Improvement Plan consultation was approved.

11.2 Rights of Way Improvement Plan review update

Richard Walton thanked the Devon Countryside Access Forum for its response. The consultation had been on 'Have Your Say' and organisations had been contacted. Ramblers' local groups had made a good response. The CLA had requested an extension and their feedback had now been received. Comments had been constructive and would be integrated into the final document.

The plan is to take the final RoWIP to the Public Rights of Way Committee on 7 March and to the DCAF on 22 April. This will include the Equalities Impact and Environmental Impact Assessments. The draft was on the website as a reference document and factored in during decision making processes.

12. Current consultations

12.1 Woodbury Common. Deregistration and exchange of common land. Clinton Devon Estates.

The proposal to deregister and exchange common land was supported and would have a net benefit. Bryan Smith was thanked for his excellent report and his recommendations would be included in the response to The Planning Inspectorate. The draft response was approved and would be submitted.

Action: Forum Officer

12.2 A379 bridge, Devon County Council

Chris Cole and Gordon Guest had been on a site visit to the bridge but had given apologies for the meeting. It was agreed that this item should be deferred until the next meeting, subject to feedback on timescales.

Action: Forum Officer

12.3 Countryside and Rights of Way Act. Review of restriction Hemyock Common, Natural England

The Chair outlined the background to the restriction. The Devon Countryside Access Forum had previously seen this as a reasonable and proportionate restriction. It was noted that considerable discussions and work had gone into noise abatement between Mid Devon District Council and the Gun Club. It was resolved to support a continuation of the direction, using previous comments.

Action: Forum Officer

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

13.1 Wolford Lodge. Felling Licence, Forestry Commission.

The response was noted and approved.

13.2 Lower Brenton Farm planning application DCC/4337/2023

The response was noted and approved.

13.3 Little Bray Farm forestry. Felling Licence, Forestry Commission

The response was noted and approved.

13.12 Stoneycombe Quarry. Felling Licence, Forestry Commission

The response was noted and approved.

13.5 Torridge District Council draft Strategic Local Plan

The response was noted and approved.

13.6 North Devon Council. Public Spaces Protection Order (dogs) consultation

The response was noted and approved. Following consultation, North Devon Council had agreed and published its Public Spaces Protection Order. [Public Spaces Protection Order - Dogs \(northdevon.gov.uk\)](https://www.northdevon.gov.uk/public-spaces-protection-order-dogs)

13.7 South Hams District Council and West Devon Borough Council. Public Spaces Protection Order (dogs) consultations

The response was noted and approved.

13.8 Sidbury to Sidford cycle route. Devon County Council pre-application consultation

The response was noted and approved.

14. Succession planning on the Devon Countryside Access Forum

The Chair led a wide-ranging discussion on succession planning on the Forum and how to move forward.

The knowledge and experience of the Chair and Vice Chair were seen as invaluable. It was not clear whether the Vice Chair stepped into the Chair role and a documented succession plan was suggested to bring people on into the roles. It was recognised there should be a change regardless of any plan. Other LAFs might have experience in succession planning that the DCAF could learn from. Members were reminded that councillors should not stand for Chair or Vice Chair and that the two positions should not be held by people from the same interest group.

The Chair acknowledged the greater time input as Chair in deciding with the Forum Officer when and how to take matters forward. Anyone interested in taking on the role in future was asked to speak to the Chair or Forum Officer.

Action: Forum members

The Forum Officer stated that training for members had been less effective in recent years due to CoVID. Options for future meetings included historic records to inform the Definitive Map Review process at the South West Heritage Centre and a presentation from a warden.

An information pack, defining the roles of Chair, Vice Chair and members, together with more advice on the Forum's remit and in particular in areas such as planning would be invaluable. The guidance to local access forums, published in 2007, had not been updated to reflect new legislation. Given that the Forum dealt with a large geographical area compared with other authorities, some degree of proportionality might be appropriate.

Action: Forum Officer

Richard Walton, DCC, emphasised the importance of the Forum Officer role and that he would push hard for reappointment if the role was vacant. The expertise and varying experience of DCAF members plugged a gap in responding to consultations. A suggestion was made that a university could research the costs and benefits of a local access forum.

Prior to the establishment of the DCAF, Devon County Council had a liaison group comprised of representatives of different bodies. The DCAF had a statutory function with an aim to reach consensus between different interests.

It was explained that at one time Natural England required LAFs to attempt to measure their effectiveness. This was difficult due to the time lag between consultations and policy development. The DCAF had achieved some changes in policy and members such as Gordon Guest had been proactive in trying to make a difference. The Chair said the Forum did a good job but needed to keep challenging itself and look at the value it added.

The difficulties in recruiting young people were raised and there being no evident and immediate benefit.

Improving publicity about the DCAF and its work was mentioned. Making use of DCC's social media channels might be one option.

It was agreed it would be useful to add a training element to the next meeting.

Action: Forum Officer and Chair

15. Devon Countryside Access Forum recruitment

The Chair thanked Andrew Baker and Sue Pudduck for their contribution to the work of the Devon Countryside Access Forum over the past three years and wished them well if they decided to seek re-appointment. Vacancies would be advertised shortly.

16. Date of next meeting

The next meeting would be on Monday, 22 April, venue to be advised.

17. Any other business

17.1 2031 cut-off date

The Chair reported that legislation associated with the Deregulation Act 2016 was being worked on. The initial date in the Countryside and Rights of way Act 2000 was 1 January 2026 but the legislation had not commenced. The national Stakeholder Working Group had worked on transitional issues and what should be excluded. The Government had subsequently announced a 2031 deadline for applications based on historical evidence pre-1949. There was a cost of going through the schedule 14 process and consideration might be made of whether a route was a useful addition to the network.

Tim Spray said the Ramblers' were likely to put in all schedule 14s in the absence of time to research all thoroughly.

The Creation Order process could still be used for additions to the network.

17.2 Shared use trail from Shercroft Close, Broadclyst to Mosshayne Lane, Exeter

The creation of a new 1.5km stretch of trail had been approved on 15.12.23. Conditions included details of drainage design including flood boards, depth boards and warning signage. Further conditions related to public interpretation stating that the trail shall not be opened until public art, direction signs, route maps, interpretations and vehicular access restrictions have been installed in order to enhance the attractiveness for future users in the context of the Clyst Valley Regional Park.

17.3 Permissive access

The Chair reported that the Government had announced new permissive access payments under the Sustainable Farming Incentive Scheme. Former Countryside Stewardship payments had been withdrawn in 2012. The new scheme includes upgrading for cyclists and horse-riders, alongside the existing educational access offer. Previously concerns that permissive access could become permanent were a deterrent to uptake.