

**Minutes of the Twenty-Fifth Public Meeting of the Devon Countryside  
Access Forum (DCAF) held at County Hall, Exeter at 10.00 a.m. on  
Tuesday, 9 February 2010.**

**1. ATTENDANCE**

**1.1 Forum members**

CLlr Alison Clish-Green  
Bob Harvey (Co Chairman)  
Patrick Healy  
John Hunt  
Justin Robbins  
CLlr Philip Sanders

Terry Faull (Chairman)  
Robin Head  
Tom Holway  
Christine Ingram  
Julie Rudge  
John Skinner

**1.2 DCC Officers and members of the public**

Councillor J Brook  
Councillor P Diviani  
Ron Hale  
Mike Jenkins, Public Rights of Way, DCC  
Colin Jones, Natural England  
Rosemary Kimbell  
Ros Mills, Public Rights of Way, DCC  
Hilary Winter, Forum Officer, DCAF

**1.3** Apologies were received from Tim Felton, Peter Grainger and Sarah Slade.

**2. Minutes** of the meeting held on Friday, 9 October were approved and signed.

**3. Matters arising**

**3.1 Public Rights of Way expenditure**

The Chairman had written to the Leader of the Council, Council members and the Chief Executive to express the importance of rights of way. A response had been received from Lester Willmington, Head of Highway Management, confirming the DCAF would be informed of decisions affecting rights of way budgets.

**3.2 Whiteleigh Meadow**

The gully crossing was nearly finished and the culvert on the eastern side had been completed. DCC is working with Natural England to complete works during drier weather. Once the route was established a publicity and communication plan would be developed involving DCAF and County Councillors.

**Action:** DCC to discuss publicity campaign with DCAF.

### **3.3 Public Rights of Way Guidance note**

The County version of the guidance would be available as a downloadable pdf document at the end of March.

**Action:** *Steve Gardner, DCC, to e-mail weblink to DCAF members.*

### **3.4 Higher Level Stewardship (HLS)**

3.4.1 Neil Constable, Natural England, had confirmed that about 10% of higher level stewardship agreements have access as an element. Maintenance is the landowner's responsibility. The Rural Payments Agency (RPA) inspects 3% of schemes. DCC could report a landowner to the RPA if a public right of way was blocked which might trigger further investigations.

3.4.2 Permissive access was promoted on site through maps and notices and on the Natural England website. It was agreed information about access opportunities could be improved.

3.4.3 Natural England was taking a holistic approach, with an emphasis on agreement renewal and land with access opportunities. It had insufficient resources to promote HLS where there was a change in land ownership. Access attracted less grant money than other HLS schemes. It was acknowledged landowners required an incentive to participate.

### **3.5 North York Moors dog leaflet**

This stated that landowners can exclude dogs at all times. It was thought this could apply just to grouse moors and this would be checked.

**Action:** *Dog restrictions on access land to be confirmed.*

## **4. Public Questions**

4.1 Mr Davis from Colyford had brought the Forum's attention to potential rights of way improvements between Colyford and Colyton which would bring sustainable travel and safety benefits. This had parallels to similar concerns in Brixton and Yealmpton, divided by the A379.

4.2 DCC confirmed that this was on the Rights of Way Improvement Plan (RoWIP) list and would also complement the Stop Line Way project between Seaton and Exmouth. The parish had a Parish Plan. DCC would be sending Mr Davis the 10 Steps Guide to facilitate funding applications by the Parish Council. It was agreed this was useful and should be promoted to other parishes.

4.3 The DCAF had previously prepared a prioritisation scheme for the RoWIP, with safety as a key measure. It was agreed the DCAF should ask the RoWIP Officer to revisit this to ensure schemes involving safety and links to schools scored highly.

**Action:** *The Forum Officer to write to Mr Davis and discuss the scheme with the RoWIP officer.*

## **5. Correspondence**

### **5.1 Correspondence log**

5.1.1 The correspondence log was noted and provided useful proof of accountability. The DCAF had to be selective and focus on strategic and key issues.

5.1.2 It was confirmed that the DCAF had not been contacted about Mid Devon's green infrastructure policy. Many authorities now used Limehouse Software for instant

notification. It was agreed the points on green infrastructure in the DCAF position statement on Local Development Frameworks (LDF) needed to be expanded.

**Action:** *Members to be circulated with the current LDF position statement.*

## **5.2 Letter to Forestry Commission**

It was noted that the Forestry Commission now withdrew restrictions when work was completed. The initial time restriction allowed flexibility to complete work with least damage and impact on access.

## **5.3 Letter to the Ruby Country Partnership**

The Ruby Country project had previously suffered from short-term and irregular funding. The project, based in the Holsworthy area, had made bids to Dartmoor LEAF and North Devon Leader projects for money from the Rural Development Programme England. DCC was putting in £100,000 into capital projects for equestrians over three years and the Ruby Country bid sought a similar sum to develop associated business facilities. Greater Dartmoor LEAF had sent a contract for signing and North Devon Leader was finalising a contract.

## **5.4 Fouling of Land by Dogs**

5.4.1 A Dog Order had been made by North Devon District Council affecting all land open to the air. The advice given by the DCAF had not been incorporated and it was hoped the scheme would be enforced with practicality and its success monitored.

5.4.2 It was noted the Forestry Commission had no restrictions, adopting instead a stick and flick approach. Frequently dog bins were not placed in the right places to prevent bag dumping. Hampshire County Council had done useful work on dog management.

5.4.3 Landowners were concerned about infection from dogs and lack of statutory control in this area.

## **6. Reports from meetings**

6.1 Terry Faull, Bob Harvey, John Skinner and Sarah Slade had attended the SW LAF Conference in Taunton on 20 October. The keynote presentation had been given by Terry Robinson of Natural England who provided useful statistics on the benefits of access for health. For example, a 10% increase in access to green space delivered 5 x the health benefits. Access by young people reduced attention deficit hyperactivity disorder by 80%. Natural England had helped participation by 32,000 people in Walking for Health schemes. The challenge was to motivate people not currently accessing the countryside. Workshops on coastal access, the Local Transport Plan and integration with the Rights of Way Improvement Plan, and local access forum matters had been held.

### **6.2 Coastal access briefing meeting**

6.2 Tim Felton and the Forum Officer had attended the briefing meeting on Natural England's coastal access implementation scheme.

### **6.3 Public Rights of Way Committee**

6.3.1 The Chairman expressed thanks to Councillor Sanders for allowing him to speak at the last Public Rights of Way Committee meeting. He had subsequently

written to Councillor Sanders and one of the committee members to amplify the DCAF's independent role.

- 6.3.2 Concern was expressed by a couple of members that Definitive Map Review (DMR) proposals had been turned down at the Public Rights of Way Committee, against officer recommendation. Volunteers and the DMR staff put in much work in preparing evidence. Letters to this effect had been submitted by a number of access organisations and individuals.
- 6.3.3 The Chairman emphasised that the role of the DCAF was not to involve itself in Public Rights of Way Committee decisions but to ensure these followed appropriate procedures and were not affected by financial considerations.
- 6.3.4 Councillor Sanders, Chairman of the Public Rights of Way Committee, explained that decisions have to be made on the basis of papers presented. The advice of the solicitor was sought when there was a degree of controversy to ensure decisions were not improper. He raised the matter of questionable integrity of some statements made by members of the public as these were not sworn affidavits.
- 6.3.5 Councillor Sanders raised some concerns about the number of speakers allowed to put their case at PROW meetings. He suggested one speaker for and against would be appropriate, with possibly the Parish Council as an additional speaker. Where proposals were turned down there was the opportunity for subsequent appeal or for a Schedule 14 application to be made.
- 6.3.6 It was suggested a proposer and seconder might work well as additional points could be put forward.
- 6.3.7 Mike Jenkins, DCC, confirmed that most PROW Committee members were new to PROW work. A training event for members would be held at the Record Office and would give an opportunity to explain the types of evidence in detail. DMR staff endeavoured to investigate claim forms, regardless of the number of forms. Some user forms carried a statutory declaration, signed in front of a solicitor which carried more weight. At any Public Inquiry evidence would be cross-examined.
- 6.3.8 Councillor Sanders welcomed the DCAF input.
- 6.3.9 It was agreed it would be useful for DCAF members to be fully briefed on how the PROW committee works and the DMR process.  
**Action:** *Forum Officer to arrange a briefing paper or presentation for a future meeting.*

#### **6.4 Parish Paths Partnership**

- 6.4.1 Tom Holway reported on the P3 workshop, held in Aveton Gifford. The standard mileage amount for P3 was being reduced with finance targeted towards project bids instead. Warden areas had been amended to make coverage more efficient. The workshops were an opportunity to network and swap ideas.
- 6.4.2 It was agreed P3 worked well to the benefit of the PROW network and many P3 groups worked closely with landowners.

## **6.5 Green Infrastructure Strategy meeting**

The Chairman and Forum Officer had attended the Green Infrastructure Strategy meeting. Workshops explored the development of green infrastructure to inform a range of policies. A draft strategy was being developed.

## **6.6 Other meetings**

### **West Country Chairman**

6.6.1 Bob Harvey had arranged a meeting for neighbouring local access forum Chairmen. Ben Jones, Forestry Commission, had spoken on the subject of phytophthora, an air-borne and quick acting fungus which threatens to kill many tree and shrub species. A £25 million research and action project was underway. Felling of affected trees may affect access but enjoyment of the landscape was potentially a more major impact.

6.6.2 The group of west country LAF chairmen discussed the usefulness of circulating consultation responses around the region.

6.6.3 The group would be writing to the Forestry Commission Regional Advisory Committee to suggest an access representative on the Committee.

### **England Access Forum**

6.6.4 Copy letters from Duncan Graham, Chairman of the England Access Forum (EAF) to Huw Irranca-Davies, Minister for Marine and Natural Environment, Helen Phillips, Chief Executive of Natural England and Local Access Forum Chairmen had been received. These referred to lack of support from Natural England to develop EAF work and requested support from LAFs to campaign accordingly.

6.6.5 A meeting of England Access Forum members was being held in early March to discuss a way forward. The SW region members on the EAF were Paul Heal, Chairman of Somerset and Ray Newbigin, Chairman of the JLAF.

6.6.6 It was agreed the Chairman should discuss a response at the forthcoming SW Chairmen and Secretaries meeting to be held on 22 February. It was agreed EAF had the capacity to raise front line issues at national level, campaign and influence policy formulation. However, in order to do so it was agreed EAF needed to be properly constituted with appropriate feedback and communication channels. It was not possible for EAF to represent all LAFs and it had no statutory function, unlike LAFs.

6.6.7 A subsequent e-mail from Amanda Earnshaw, national Natural England contact for LAF Regional Coordinators stated that the progress of discussions between EAF and NE and the eventual outcome had no bearing on Natural England's relationship with LAFs. Natural England intended to continue to support the LAF regional coordinator posts as key to NE communication with LAFs.

## **7. Presentation by Emily Stallworthy, Green Infrastructure Officer, Devon County Council**

Emily Stallworthy was thanked for stepping in at short notice to give a presentation.

7.1 The Green Infrastructure Officer explained green infrastructure (GI) included the parks, gardens and recreational open space which supported sustainable development and helped alleviate climate change and population expansion.

Green infrastructure offered social and economic benefits as well as contributing to health and well-being.

- 7.2 The GI strategy being developed would seek to ensure green infrastructure was connected; not only in terms of biodiversity and habitat but also physical links between communities. The GI strategy offered the chance to explore multi-use of space, for example a flood plain might be used for flood alleviation, public rights of way, grazing and biodiversity targets. Multi-use trails provided attractive routes and helped biodiversity.
- 7.3 The Regional Spatial Strategy laid the framework with policies related to green networks within the County and protection of vulnerable nature sites. Some districts had already started developing GI strategies – North Devon, Plymouth, Exeter and East Devon, Torbay, Teignbridge, Torridge and West Devon and the GI Strategy sought to pull together a strategy for the whole County.
- 7.4 The GI Strategy was bringing together map work using Natural England's green space standards and Nature Map to identify priorities. It was an interdisciplinary approach and stakeholders were involved in developing the draft vision, aims and objectives.
- 7.5 It was suggested the DCAF might wish to be represented on the advisory group.
- 7.6 It was agreed a DCAF GI working group would be helpful to develop the position statement on Local Development Frameworks.  
**Action:** *Any member interested in participating in the advisory group to contact the Forum Officer. Working group to be formed.*

#### **Discussion**

- 7.7 Mention was made of Environment Agency and South West Water policies. Water in housing developments was often put in culverts but might offer potential for GI. The GI Officer said waterways were important as corridors to connect habitats and important for biodiversity aims but there was some debate about the inclusion of access to water.
- 7.8 The GI Officer agreed it was important for the GI strategy to be in place as it would provide a policy framework to aid discussions with developers over contributions or green space allocations. GI was a strategic planning matter.
- 7.9 Reference was made to the importance of GI in expanding urban areas or growth points, such as Tiverton. Funding for GI in rural areas is more difficult but it was acknowledged many rural people may not have good access to green space or public rights of way and this can be mapped.
- 7.10 Motorways were mentioned as excellent corridors for the expansion of fauna and flora. DCC has a good verges policy for biodiversity reasons. The GI Officer hoped to incorporate highways in the strategy.
- 7.11 The draft GI strategy, including principles and priorities, would be out for public consultation. Delivery mechanisms would be worked on later in the year.
- 7.12 Members agreed it would be helpful to know where maps of Sites of Special Scientific Interest and other green sites can be accessed.  
**Action:** *Emily Stallworthy, DCC, to forward list of GI information.*

## **8. Public Rights of Way update**

### **8.1 Multi-use**

A number of meetings had been held between public rights of way officers and cycling colleagues to discuss multi-use. A stakeholder workshop would be held to discuss design criteria, risk assessment, consultation processes and agreed standards. The DCAF would be invited to send a member to this meeting.

### **8.2 Maristow Estate**

Outstanding matters included sporting rights, litter and tree inspection – awaiting agreement by the landowner. Plymouth City Council had completed part of their work and it was likely Plymouth volunteers could deal with litter.

### **8.3 Local Transport Plan 3 (LTP3)**

The Rights of Way Improvement Plan would be updated to integrate with Local Transport Plan 3 and position itself to benefit from funding streams from LTP3, a 15 year programme. Dartmoor and Exmoor National Parks were also keen to reflect that in their parts of the RoWIP. Work on Local Transport Plan 3 was progressing.

**Action:** *The Forum Officer would check DCAF involvement in LTP3 Panel Hearings.*

### **8.4 Thorndon Cross Phase 2**

Steve Gardner, DCC, had contacted the agent and would be meeting all landowners individually prior to public consultation.

### **8.5 Public Service Agreement (PSA) 2**

PSA2 money was being spent in partnership with district councils, the Primary Care Trust and Natural England on Walking for Health schemes. It was hoped to embed walking for health schemes in LTP3.

### **8.6 Public Rights of Way budget**

It was hoped that next year's Public Rights of Way budget would be broadly similar to the current year.

### **8.7 Discussion on multi-use**

8.7.1 Chris Ingram had been involved in a meeting with senior officers at Devon County Council to discuss multi-use and had received a positive commitment. Slow progress in achieving multi-use had been recognised, particularly with regard to existing routes.

8.7.2 Devon County Council was developing a cycling strategy and the public rights of way team is involved. Multi-use would be part of the business plan. The bridleway strategy would influence the cycling strategy.

**Action:** *DCAF to be consulted on cycling strategy and bridleway strategy.*

## **9. Devon County Council's Leisure Cycling Project Delivery Plan**

The draft delivery plan was noted. The project is a short term discrete project to develop cycling in a number of Devon towns.

## 10. Update on Natural England Stakeholder Working Group

The working group on rights of way had produced a limited circulation draft report.

**Action:** *Members with views on the proposals were asked to convey any comments to Sarah Slade, a member of the Working Group.*

## 11. To note and approve responses submitted to consultations.

Members were thanked for their time and input to consultation responses. The following responses were endorsed.

### 11.1 Consultation on proposals to amend the Countryside and Rights of Way Act 2000 for Coastal Land (Defra)

Defra had sought further information on the DCAF comments on extraction of sand and had amended the original proposal.

### 11.2 Torridge District Council Draft Wind Farm policy

### 11.3 Coastal Access – Natural England’s scheme: consultation version

Mention was made of a recent consultation on relaxing planning law, to include wind turbines. This would be followed up.

**Action:** *Forum Officer to locate consultation.*

## 12. Current consultation

### 12.1 The Disability Discrimination Act 1995 and structures (gate, gaps and stiles) on rights of way – Good practice guidance for local authorities (Defra). This was discussed and the following points raised.

- The Guidance was broadly welcomed although there were safeguards under existing legislation and guidance in ‘By all reasonable means’ published by the Countryside Agency.
- The 1979 British Standard was revised in 2001 which tightened many gaps in the previous standard
- The suggestion of a local policy in addition to BS 5079 was welcomed but would need to provide justification for any departure from BS 5079 to ensure there was something to fall back on in the event of a dispute.
- The two way opening gate specified in the BS was not popular with landowners and there was a concern that objections would be received if this had to be adopted.
- The Defra recommendation that conditions should impose the relaxation of a structure where it is no longer required for its original purpose could be administratively cumbersome. There was no means of telling if stock had been removed permanently and could lead to objections to orders.
- Most changes in path structures followed negotiation with land owners. Latch posts had been used effectively when fields were not in use.

**Action:** *It was agreed the Forum Officer should respond following discussion and points from the summary paper*

### **13. Recruitment**

- 13.1 Yearly recruitment was in hand. The Forum Officer agreed that it might not be clear that people should apply in their own right and not as representatives of an organisation. Four existing members were at the end of their three year tem but could seek re-appointment.
- 13.2 The Chairman asked members to think about succession planning and the nomination of a chairman at the next meeting.

### **14. Annual Report**

**Action:** *Members were asked to forward any comments to the Forum Officer.*

### **15. Any other business**

#### **15.1 Recruitment**

- 15.1.1 It was suggested that a member of the DCAF should be present at the Selection Panel for DCAF members to ensure the process is transparent and to highlight areas where expertise was lacking.
- 15.1.2 It was explained that all applications are scored independently by the Forum Officer, Ros Mills and Mike Jenkins (DCC) with points for involvement in different areas and points for ideas/presentation; a maximum of 30 points. Short listed applications are taken to the Selection Panel – the County Solicitor, Chairman and Vice Chairman of the Public Rights of Way Committee. The Forum Officer and Ros Mills and/or Mike Jenkins sit in an observers to provide information as necessary. The Forum Officer agreed to the suggestion that letters to potential applicants should explain details of the selection process.
- 15.1.3 After discussion it was agreed that the Forum Officer should write suggesting that the DCAF would welcome a neutral observer to sit in on the Panel. Tim Felton, DCAF member, was suggested.

**Action:** *Forum Officer to write to the Selection Panel*

#### **15.2 Chairman**

Terry Faull was thanked for his term as Chairman.

The next meeting would be held at County Hall on Thursday, 22 April 2010.