



Devon Local Access Forum
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DEVON LOCAL ACCESS FORUM

Minutes of the Ninth Public Meeting of the Devon Local Access Forum
(Devon LAF) held at County Hall, Exeter at
10.00 a.m. on Friday 22 April 2005

1. ATTENDANCE

1.1 Forum Members

Terence Ayre

Charles Fane Trefusis

Tim Felton

Gretta Madigan

Sarah Slade

Mareth Adams

Terry Faull (Vice-Chairman)

Bob Harvey (Chairman)

John Skinner

Graham White

The Secretary took the Chair for the first part of the meeting.

Apologies for absence were received from Chris Ingram, Peter Grainger, Peter Thorn, Mary Turner and Kate Wass

1.2 Devon County Council (DCC) officers:

Hilary Winter, Local Access Forum Secretary

Mike Jenkins

Steve Gardner

Rosalind Mills

1.3 Observers/visitors

Geoffrey Burgess

Ron Hale

Jeff Haynes, Secretary, Dartmoor Local Access Forum

Mike Knowles, CAMPFORR

Jonathan Mitchell, University College London

Tom Sunderland, English Nature

2. Welcome to new members

Graham White was welcomed as a new member. He introduced himself as a landowner and businessman with interests in off-road motor sports and classic trials.

The other newly appointed members, Peter Grainger, Peter Thorn and Kate Wass, were unable to attend the meeting but had dates for future meetings.

Tim Felton and Christine Ingram had been re-appointed for a further three year term.

3. Election of Chairman

John Skinner proposed Bob Harvey as Chairman, seconded by Charles Fane Trefusis. Mr Harvey was re-appointed as Chairman for the ensuing year.

4. Election of Vice Chairman

The Chairman explained that the forum had new members, some unable to attend the meeting, and would shortly have new representatives from the County Council. He proposed Terry Faull should continue as Vice-Chairman for a few months until the LAF was in a position to elect a Chairman designate. This was agreed.

Cllr Gretta Madigan was thanked for her invaluable contribution and help in establishing the forum. She replied wishing the forum well for the future.

5. Minutes of the meeting held on 4 February 2005 were approved and signed.

6. Presentation by Tom Sunderland, Access Project Officer - South West Region, English Nature.

Mr Sunderland gave a presentation on 'Nature Conservation and CRoW Access land, the role of English Nature'. English Nature would shortly become Natural England, a partnership between the Rural Development Service, English Nature and parts of the Countryside Agency. Mr Sunderland introduced himself as one of five dedicated Access Officers covering Open Access land in England, with additional responsibilities for sport, recreation and dedication of land.

- Under Section 26 of the CRoW Act 2000 the Countryside Agency may exclude or restrict access to Open Access land for the purpose of conserving flora, fauna or geological or physiographical features, based on advice given by English Nature, English Heritage and other relevant bodies.
- The Local Access Forum would be commenting on applications for restrictions for greater than six months duration, taking into account the needs of land management and the desirability of conserving the natural beauty of the area.
- Most of the proposed Open Access land will require management. Sites of Special Scientific Interest (SSSIs) cover 1,050,000 hectares nationally, specifically managed by English Nature according to Government targets and Public Service Agreements. Open Country (mountain, moor, heath and down) covers 958,000 hectares and of this figure 55% is also within an SSSI.

Mr Sunderland explained that English Nature seeks to find the least restrictive options to ensure people have access. A number of recent health studies pointed to the benefits to health gained from access to natural space.

English Nature is legally obliged, under Part 111 of the CRoW Act, to further the conservation and enhancement of SSSIs and to prevent damage thereof. It also has to prevent disturbance to Schedule 1 species and prevent damage to all wild bird species and take steps to avoid deterioration of habitats and disturbance of designated species on Natura 2000 sites. It is required to act in accordance with Biodiversity Action Plans.

The Wildlife and Access Advisory Group has sought to draw together the expertise of organisations involved in CRoW Act implementation and to provide advice and identify appropriate action.

English Nature will assess sites. The increased level of access under Open Country may lead to increased problems for nature conservation particularly;

- trampling and its effects on soil, vegetation and food plants
- erosion following creation of new desire lines
- eutrophication (especially from dogs) leading to rank vegetation.
- disturbance to birds and mammals
- fires
- grazing disruption

Wildlife issues in Area 6 (which includes Devon) are likely to be:

- effects on rarer bird species on moor and heath (e.g. curlew and golden plover)
- erosion and trampling of mire, bog and Culm grassland
- effect on cliff and coast birdlife
- impact on otters, salmon and trout
- impact on woodland flora and fauna.

Grazing on SSSIs is a marginal economic activity but necessary to retain species diversity. Introducing access may discourage graziers further.

English Nature's favoured approach is to adopt a 'light touch' with seasonal or permanent exclusions as a last resort. Management measures include interpretation and information, car parking, way-marked routes and provision of paths. Minor statutory restrictions might include controls on dogs and specified entry points.

English Nature is currently assessing sites with the Countryside Agency and National Parks. No restrictions or exclusions have been identified for nature conservation reasons, consistent with national figures. However, there are 96 sites of 'concern' in Area 6 requiring management. Other sites requiring 'desirable' work are being identified, in conjunction with Devon County Council. In Area 6 many areas are already open to some extent and other remote sites are less favourable for access.

The Government does not wish to see a proliferation of signs but some will be necessary to inform the public and for management purposes, balancing the need for conservation against access requirements. Information will be on the website but this was considered inappropriate for the average day tripper.

Open Access includes some woodland areas which are part of registered commons under the 1965 Registered Commons Act.

English Nature's education officers and wardens are already undertaking a number of initiatives to ensure access to green space, including guided walks, minibus trips from urban areas and school visits.

It will take a few years for access patterns to become established and monitoring is being finalised with the Countryside Agency. Targeted yearly monitoring will take place on sites where essential management was recommended. The Breeding Bird Survey will be extended to CRoW land.

Dogs pose a major problem for conservation. The Countryside Agency had initiated a leaflet to educate dog walkers.

Mr Sunderland was thanked for his interesting talk.

This led onto agenda item 9. **Implementation of Open Access land in Devon.**

Ros Mills, DCC, reported that the desktop study funded through the Access Management Grant Scheme is collating information on Open Access, associated rights of way and archaeological impacts. A twelve month post had been advertised and the appointed person will liaise with the LAF and landowners about sites.

Peter Chamberlain, County Ecologist, explained that there was some overlap between the work of DCC and that of the Countryside Agency and English Nature. English Nature will be focussing on the statutory aspects but DCC will be identifying desirable works in a proactive way to minimise the threat of conflict, for example management to minimise effects on declining breeding curlew populations on Culm grassland.

The Conclusive Maps for Area 6 will be issued on May 9th. The Countryside Agency has stated it will be displaying maps in libraries and district council offices, issuing press releases and informing statutory consultees such as the NFU, CLA and Ramblers' Association. Some high profile events will take place at the end of August.

The Access Management Grant Scheme had been widened to include public safety and fire prevention costs. The second phase will now allow for wider integration into other policy objectives such as health and social inclusion.

The LAF noted there is still public confusion between Open Access land and rights of way and this had been the subject of a letter from the Chairman to NFU Countryside.

Action:

- **DCC will let the LAF have a report on the open access sites and its priorities.**
- **The LAF will consider forming a permanent Working Group to respond quickly and positively to consultations and requests for restrictions.**

7. Matters arising

7.1 Highampton – Code of Conduct for multi-use

Ros Mills, DCC, reported that there had been no negative feedback. Negotiations were taking place with cycling colleagues to roll out the code more widely.

7.2 Whiteleigh Meadow

This item was deferred until the next meeting.

7.3 Devon County Council – discussions with Imerys

Mike Jenkins, DCC, reported that a meeting had taken place with Imerys and Watts, Blake and Bearne. A package of proposals, including two new bridleways, had been agreed and a consultation map would be produced shortly.

7.4 Highway improvements and local consultation

Since the last meeting, the Secretary had written to the Head of Network Management and to the Local Services Group and Engineering Design Group,

DCC, requesting greater consideration of access users in planning minor road improvements and focussing on:-

- better positioning of verge signs to minimise effect on access users
- consultation with local user groups to ensure effective and safe solutions
- mechanisms for reporting problems.

7.5. The LAF and interest groups

The Leisure Industries research report on multi-use report had proposed that DCC should establish an Equine Forum. The Chairman reported that it was not considered appropriate for there to be single-user groups at County level nor representation on the LAF specifically from identified groups. This had caused problems with some LAFs initially, due to the potentially unlimited number of interest groups. It would be possible for specific groups to feed in through LAF members with similar interests or for there to be occasional Working Groups. This would be explored further.

7.6 Local Development Frameworks (LDFs) and access

The Chairman had written to the Chief Executives of the District, Borough and City Councils requesting the name of a contact person for the LDF process. The LAF had been advised by the Environment Director to contribute to LDFs. The Chairman suggested members might find it useful to attend relevant local meetings to raise the image of the LAF.

Action:

- **The Secretary will circulate members with a draft letter to Councils.**
- **The Annual Report would be sent to District and Parish Councils.**

8. Reports from other meeting

8.1 Land between the Moors

Terry Faull had attended this meeting on 23 February. The project centred on Culm Grassland between the moors and the Countryside Agency had held a series of meetings during 2003-4 with the aim of bringing together those with an interest in engendering sustainability. An excellent Sustainable Management Plan for the 'Land Between the Moors' had just been produced. Funding for implementing all fifty plus recommendations did not currently exist but there are some useful projects, for example:

- English Nature's 'Rebuilding Landscapes', a proposal to encourage traditional land management and biodiversity. This could result in improvements for access.
- SW Forest's 'eco-tourism' proposal for eco-cabins in a wilderness environment, subject to planning consents.

8.2 CLA roadshow on Open Access

The Chairman and other members had attended events at Merton, West Anstey and Ottery St Mary. The publicity mailshot from the Countryside Agency unfortunately reached farmers with little notice. The speakers from the CLA, Karen Jones and Caroline Bedell, were excellent. In practice legal liability will be reduced with Open Access and it will exclude liability for natural features. It was suggested landowners should take reasonable precautions at reasonable cost for public safety.

It was stated that dogs are an issue – on Open Access land they should be on a short lead but from the safety point of view are best off lead with cows and calves. From the landowner point of view there remained a concern about strict liability for animals.

The session also touched on Discovering Lost Ways. LAF members were able to stress the strategic role of the LAF.

The difference between rights of way and Open Access was explained for a member of the public. Rights of way are on the Definitive Map and are identified linear routes. Open Access is a new right to walk over an area of land.

8.3 South West Coast Path opening

John Skinner reported that he, the Chairman and Cllr Gretta Madigan had been to the opening of a new section of the South West Coast Path by Pam Warhurst, Deputy Chairman of the Countryside Agency. This follows a route nearer the sea between Strete and Stoke Fleming for which people had campaigned for many years. A further section remains to be completed.

Cllr Madigan praised the work of Devon County Council staff in working closely with landowners to achieve this section of path. The SW Coast Path is very important to the economy of Devon.

8.4 Diversity Review roadshow.

The Secretary had been to the Countryside Agency Diversity Review roadshow in Bristol, an interesting day which had set out to challenge perceptions. The Rural White Paper (2000) had promised a review of how to encourage those with disabilities, those from ethnic minorities, those from inner cities and young people to visit the countryside. Statistics showed 1 in 5 adults are disabled (UK), 1 in 20 children are disabled (UK), 1 in 11 are from black and minority ethnic backgrounds and 1 in 18 people are aged 8-24.

For reasons of compliance with legislation and factors such as social inclusion, moral issues and economic drivers such groups need encouragement to visit the countryside.

The University of Surrey and Ethnos Consultancy had carried out detailed work for the Countryside Agency. The CA will be reporting to Defra and producing an Action Plan. Further details are available on the CA website www.countryside.gov.uk

The LAF was encouraged to ensure it is aware of these issues and has representation from these diverse groups. It should also take steps to ensure the ROWIP takes on board the issues and checks there are mechanisms in place within DCC to consider and address the problems around social inclusion and access.

8.5 Cycle and multi-use tracks

Cllr Gretta Madigan explained that cyclists are permitted on bridleways but horses had traditionally not been allowed on designated cycle ways. The

National Cycle Network linked Ilfracombe to Plymouth and several new sections are planned in the Tavistock area. A site meeting of DCC Officers and some LAF members had taken place in March. Agreement for horses had been reached on a section to the north of Tavistock near Peter Tavy. The proposed route through a long tunnel under the A386 near Grenofen, soon to go for Planning Permission, posed greater problems due to uncertainty about the suitability of a tunnel for multi-use.

The Secretary reported she had written to Noel Edmonds, in his capacity as President of the BHS, to encourage greater information pooling from all over the country.

In response to a member of the public it was explained that multi-use is now the preferred option but it is not automatically retrospective. Existing routes would be looked at. Multi-use routes along cycle ways are not shown on the Definitive Map.

Devon County Council had acquired a considerable network for cycleways over the last few years and this was commended.

The Countryside Agency had employed consultants to look at surfacing requirements for shared use routes and Chris Ingram and the Secretary had attended a Focus Group to discuss this.

Action:

Further consideration of the Grenofen Tunnel would be deferred until the next meeting when more information might be available from elsewhere in the country.

9. Implementation of Open Access land in Devon

This item was covered under Agenda item 6.

10. Report on the Rights of Way Improvement Plan

Steve Gardner, DCC, thanked the LAF for their contribution to the draft ROWIP. The consultation had been extended to mid March. The vehicular user groups had felt under-represented and a further twenty groups had therefore been consulted. A meeting had also been held with twelve vehicular user groups at the instigation of Warim Kelly who would be supplying minutes of the meeting. This had covered the different vehicular uses of the countryside, how users consult with landowners and the governing rules of the Motor Sport Association. The Cornwall LAF Chair, Robin Moore was present at the meeting.

Mr Sunderland, EN, reported that the position statement of EN on access is now to welcome all users.

150 responses had been received to the draft ROWIP and these were being summarised. 81% of respondents found the ROWIP easy to read, 14% not easy (too lengthy). The final (and shorter) ROWIP will be published at the end of July.

11. Public Service Agreements (PSAs)

Mike Jenkins, DCC, briefed members on PSAs within Public Rights of Way. PSAs are a Government initiative to stretch Local Authorities to do better. PSA1 was established in 2002 with the aim to have 90% of the public rights of way network 'easy to use' by 2005. The PSA started with a base level of 54%, considerably lower than anticipated. The PSA finished on 31 March and 91% are now estimated 'easy to use'. This would be audited by Defra and it was agreed this should be publicised. A lot of additional 'furniture' had been placed on rights of way. There are two challenges – one to maintain the 91% and second to address the 9% of rights of way not up to standard (some affected by missing bridges or development and therefore a longer term problem).

From April 2005 DCC is initiating a regular inspection cycle of the network based on maintenance priorities, rather than reacting to complaints, and will inspect Category 1 paths once a year and Category 2 paths once every two years. A decision has yet to be made on Category 3 paths. A regular cutting regime is being put in place on certain paths and the time scale for responding to complaints is being shortened.

P3 parishes (involving a partnership with Parish groups) involve 150 parishes in Devon in helping with the rights of way network.

Cornwall County Council had recently used outside consultants to assess the condition of its network.

Ros Mills, DCC, brought members up to date on the PSA2 to promote access, measured by four key targets:-

- **Number and type of user** at key sites.
- **Information about using rights of way.** DCC aims to increase the figure of 47% who were satisfied with information about using rights of way (March Citizens Survey).
- **Participation in 'walking for health' schemes.** Grant aid to train coordinators and provide information will help to increase the participation rate in schemes operated by District Councils, Primary Care Trusts and Age Concern.
- **Promoted routes** and their spin-offs for the local economy.

DCC is currently collecting baseline data and the new PSA would run until 2008.

The Citizens Survey (perception data from 4000 residents) resulted in a wide range of comments including a number of key items; need for signing, inappropriate motor vehicular use, need for circular routes, dogs and methods of feedback on problems.

Cllr Gretta Madigan congratulated DCC for achieving PSA1. The Public Rights of Way wardens and team had made tremendous strides in improving the network over the last few years and had pushed access up the agenda.

12. Correspondence

12.1 Letter from Mrs Culpin

Mrs Culpin had written to the LAF requesting improvements to road safety for horses in the Teignrace area, (particularly adjacent to the A38), access for horse

riders to Stover Country Park and a network of new bridleways at Teigngrace to link to nearby bridleways. The Secretary had responded referring her to Steve Gardner, Rights of Way Improvement Plan Officer, and explaining the LAF's role and the priority it placed on safety issues.

Steve Gardner had subsequently met Mrs Culpin and is awaiting more detailed proposals for consideration under the ROWIP.

12.2 Letter from the Rt. Hon. Alun Michael MP

Mr Michael had written to Local Access Forum secretaries on 7 March 2005 explaining progress on access to open country. He outlined further measures that were in place including a review of access to coastal land, dedication of Forestry Commission land for access and measures to understand and encourage access for all users.

DCC was in the process of entering dedicated Forestry Commission woodlands onto its GIS base.

Action: The Secretary would respond to the Rt. Hon. Alun Michael covering the following points:-

- Tourism business with essentially private access to coastal land and beaches could be adversely affected by any extension of Open Access.
- Any increase in access to waterways may similarly affect businesses generating income from fishing.
- Extending access to fragile and eroding coastal land has financial implications. The management costs of providing safe and long term access must be considered.

A further letter from the Rt. Hon Alun Michael MP had been received indicating an extension of the LAF's strategic advisory role to include water-access, sport and outdoor recreation. The Minister had asked the Regional Sports Boards to establish an exploratory meeting with the LAFs to explore this further.

13. Annual Report

Design of the Annual Report was agreed.

Action: Secretary to arrange printing and distribution

14. Any other business

14.1 University of Gloucestershire. Research into LAFs for Defra

The researchers have convened a joint meeting with Devon and Dartmoor LAFs for Monday, 16 May at the National Park offices in Bovey Tracey.

Action: Members to let the Secretary know if they can attend.

14.2 Disability paper prepared by Howard Brunton, Chair of Somerset LAF

The Secretary had passed this paper to Kate Wass, for her initial comments.

Action: The paper would be put on the agenda for the next meeting.

14.3 Climate Change strategy

The LAF had been asked to respond to DCC's strategy on Climate Change.

Action: The Chairman agreed to have an initial look at this and prepare some draft comments for members' approval.

14.4 Training Day

This would take place on Friday, 17 June and would hopefully include a visit to Haldon Forest and Open Access land.

Action: The Secretary would send further details to members once finalised.

14.5 Publications

The Chairman had received three publications of interest:

- 1) Forum for the Future. This concerned sustainable land-use.
Action: The Chairman would write asking to be kept informed
- 2) The Value of Public Space (Cabe Space, part of the Commission for Architecture and the Built Environment). This concerned open space in towns.
- 3) The Essence of Devon – Devon’s Landscape (Devon County Council’s Role and Action Programme for the Landscape, July 2004)

14.6 Cobden Hill

Terence Ayre referred to Cobden Hill in North Devon, a 230 acre site where the landowner had put in a lot of public access under higher tier stewardship. This included some multi-use. The farmer had received press criticism but Mr Ayre felt it was an excellent scheme.

Cobden Hill is within Bishops Tawton Parish which is currently being reviewed as part of the Definitive Map Review process.

The next public meeting would be held on Tuesday, 13 September at 6.00 p.m. at County Hall.