

## DEVON LOCAL ACCESS FORUM – 13 September 2005

### Proposed Thorndon Cross to Halwill Junction bridleway following route of disused railway.

The Devon LAF has been formally consulted on the above proposal, taken to the Public Rights of Way Committee on 24 March 2005. The Committee report is copied below.

The route is supported by South West Riders and individual horse-riders but since the PROW Committee meeting the County Council has received objections from a number of landowners. The main reasons for objection are: -

- The bridleway is unlikely to improve the rural economy.
- It will have an adverse impact on local businesses and residential properties and on conservation.
- Parts of the former track have been built over or utilised for farming, business or domestic purposes.

*Map 1* shows the proposed route and the extent of the surrounding bridleway network. Also attached are horse census data maps drawn from the British Horse Society survey in 1997/98 (*Map 2*) and updated by South West Riders in 2003 (*Map 3*). These indicate the potential number of horse-riders who might benefit from the bridleway. In addition, there are likely to be some economic spin-offs for horse and tourism based businesses.

The proposed bridleway would have an unsealed surface.

### RECOMMENDATIONS

- The Devon LAF should assess the contribution the proposal could make to improving the rights of way network in the area.
- The Devon LAF should assess how other LAF and Rights of Way Improvement Plan targets, for example safety, might be met through the scheme.
- The Devon LAF should explore whether concerns expressed by opponents to the scheme can be addressed.
- The Devon LAF should investigate whether any 'lessons learnt' through this consultation exercise could contribute to the Rights of Way Improvement Plan process in the future.

Hilary Winter  
Secretary

**Code No: ED/05/80/HQ**

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Public Rights of Way  
Committee

24 March 2005

**Creation of Public Bridleway on Disused Railway:**

**Thorndon Cross to Halwill Junction**

Report of the County Environment Director

**Recommendation: It is recommended that the Committee:**

- (a) agrees in principle to the creation of a public bridleway on the dismantled railway from Thorndon Cross to Halwill Junction and to seeking the views of interested parties, including the Devon Local Access Forum;**
- (b) authorises officers to continue discussions with landowners for Phase 1 (the section from Thorndon Cross to Venndown Gates) with a view to concluding a bridleway Creation Agreement; if agreement cannot be reached, authorises officers to draw up an appropriate public bridleway Creation Order.**

**1. Summary**

This report concerns the creation of a new strategic public bridleway in West Devon linking Dartmoor to the woodland at Halwill Forest.

**2. Background**

Devon County Council was approached three years ago by the South West Riders (SWR) concerning the safety of horse riders on and crossing the A3079 Okehampton to Holsworthy road. SWR suggested creating a bridleway on the dismantled railway between Thorndon Cross and Halwill Junction (see drawing number ED/PROW/57/2005) to remove the need to ride on the road and also to provide access to safer crossing points.

**3. Description of the Route**

The dismantled railway runs mainly through the parishes of Beaworthy and Halwill. The section being considered here starts at Thorndon Cross, approximately 6 kilometres to the west of Okehampton. It follows the route of

the A3079, always remaining to the north of the road, running generally west-northwest for approximately 13 kilometres to Halwill Junction.

The A3079 dissects two good bridleway networks. Horse riders in the parishes of Beaworthy, Germansweek and Bratton Clovelly have good 'off-road' riding provision in comparison with other parishes in Devon. The neighbouring parishes of Halwill, Sourton and Okehampton Hamlets are also relatively well served. A relatively high percentage of the population of these parishes ride. However, 12 bridleways end on or near to the A3079, making them undesirable to use on foot, bicycle or horse.

The A3079 has only intermittent verges and long stretches have a hedge immediately adjacent to the road. It has an average daily traffic flow of up to 5,000 vehicles a day. Although this is not as high as some other A roads in Devon, Heavy Goods Vehicles account for between 200 and 500 of these. This vehicular usage deters riders from using A3079 and the two local bridleway networks because of the obvious dangers.

The proposal can be implemented in two phases. It is felt that priority should be given to Phase 1 (from Thorndon Cross to Venndown Gates) because it provides the immediate benefit of linking to a recent bridleway creation and diversion immediately to the east of Thorndon Cross confirmed under delegated powers.

## Phase 1

Of particular importance at this stage is the first 3 kilometres of the dismantled railway from Thorndon Cross to Venndown Gates. SWR undertook some preliminary surveys of the route, following which the County Council made an approach to the landowners with a view to entering into Creation Agreements in 2003. Two landowners indicated that they would have no strong objection to the proposal subject to appropriate compensation. Two other landowners indicated that they would be seeking substantial compensation which the County Council valuer felt he could not recommend. No contact could be made with the fifth landowner, but he owns only a small section of the land in question.

As agreement could not be reached, it was decided to take no further action until the Rights of Way Improvement Plan (ROWIP) had been prepared. This is a principal policy document for public rights of way work which the County Council is required to develop under Section 60 of the Countryside and Rights of Way Act 2000. It is a new duty for Highway Authorities aimed at modernising the rights of way network to meet current and future needs. Public consultation was used in the production of the draft ROWIP and one of the major issues identified related to a lack of appropriate riding facilities in the county when compared to the number of horse riders.

## Phase 2

The remaining 10 kilometres of the route from Venndown Gates to Halwill Junction can be pursued at a later stage. The SWR have undertaken a preliminary survey of this route to identify the main landowners, but the County Council has not approached them at this stage.

## 4. Legal Considerations

If agreement cannot be reached with landowners, the County Council can make a Creation Order under Section 26 of the Highways Act 1980. The County Council must be satisfied that it is expedient that the public bridleway should be created. In considering the matter it must have regard to the extent to which the way would add to the convenience or enjoyment of a substantial section of the public. It must also have regard to the effect which such a creation would have on the rights of people with an interest in the land, and in so doing should take account compensation that may be payable. It must also have regard to the needs of agriculture and forestry.

An unopposed Order may be confirmed by the County Council. In deciding whether or not to confirm an opposed Order, the Secretary of State for Environment, Food and Rural Affairs, or an appointed Inspector, must take into account any Improvement Plan for the area. The ROWIP is currently at its draft stage and the final version will be published in July 2005. It will form part of the Local Transport Plan for Devon. Section 7 sets out the main policies that would be delivered by the scheme. If it proves expedient to make a Creation Order then the County Council will be in a better position once the ROWIP is in place.

## 5. Works

The dismantled railway still exists as a feature in the landscape for Phase 1. The ballast is still present and so minimal surfacing works will be required. An insignificant amount of vegetation clearance will be necessary. The route will also require signposting at road junctions. It is unlikely that waymarking will be necessary since the route of the bridleway will be obvious.

## 6. Funding

The Executive has recently approved the 80,000 Strategic Walking and Bridleway Network budgets (in February 2005) for the development of such schemes.

## 7. Policy

The proposed public bridleway would deliver across several of the policy aims set out in the draft ROWIP as indicated below:

**HC3** Development of bridleway and restricted byway network. This route will provide a useful link to Dartmoor and Cookworthy/Halwill Forest, where riding is allowed, greatly improving off-road riding opportunities in the area.

**CY4** Multi-use: development of routes that consider the widest range of users possible. A bridleway achieves this for walkers, cyclists and horse riders. Upgrading to a restricted byway (allowing carriage drivers to use the route) could be considered at a later date when the relevant legislation is in place.

**RS2** Improve user safety where rights of way access and egress onto main roads. Users are currently either forced to use the A3079 in order to link the existing bridleways or to turn back and retrace their steps from the road. The proposed bridleway would link the existing bridleways and remove the need to ride on the A3079.

**RS4** Develop new off-road links to improve access. The proposed route would link Dartmoor to Cookworthy and this would greatly improve access opportunities for all users.

The dismantled railway has not been identified as part of the National Cycle Network (NCN). It would, however, provide a valuable link for cyclists to and from an NCN route being developed to the north between Halwill and Holsworthy.

## **8. Racial Equality Considerations**

This report deals with recreation and access issues and there are no apparent racial equality matters involved.

## **9. Reasons for Recommendations and Conclusions**

The parishes in the vicinity of the dismantled railway have a good network of public bridleways. However, the A3079 dissects the network and renders much of it unattractive to horse riders. The A3079 has intermittent verges and relatively high HGV use which is a deterrent to riding along it. SWR suggested that a bridleway could be created on the dismantled railway. This is feasible and would be of real public benefit. It would provide access to safer crossing points on the A3079 which would then open up the existing bridleway network. It would also remove the need to ride on the A3079 and, in due course, would provide a useful equestrian link between Dartmoor and the Cookworthy and Halwill Forests.

Alternative routes through productive farmland are likely to cost more for no greater public benefit. Two landowners on the Phase 1 stretch have requested an unacceptably high amount of compensation to agree to a Creation Agreement. It is possible that no compromise over this will be reached. It may, therefore, be necessary to proceed with a Creation Order for Phase 1 in order to achieve the public benefits stated above. The procedure to be used for Phase 2 (i.e. Agreement or Order) can be determined following consultation upon completion of Phase 1.

Creation of a public bridleway on this route will provide a strategic route for walkers, cyclists and horse riders that will clearly open up the latent network of bridleways in the area. Proceeding as recommended will not only provide a new linear access route for these users, but will be of great benefit to users on the existing network and will open up a highly scenic area of the West Devon landscape. The proposal will plainly add to the convenience and enjoyment of these users and meets the legislative tests for such an Order.

Edward Chorlton