

DEVON LOCAL ACCESS FORUM

Minutes of the Sixth Public Meeting of the Devon Local Access Forum (Devon LAF)
held at Larkbeare House, Exeter from 10.00 a.m. to 1.00 p.m. on
Friday 23 April 2004

1. ATTENDANCE

1.1 Forum Members:

Bob Harvey (Chairman)
Mareth Adams
Charles Fane Trefusis
Christine Ingram
John Skinner
George Whitfield

Terence Ayre
Michael Bickell
Terry Faull (Vice-Chairman)
Jenny Parsons
Sarah Slade

Apologies for absence were received from Tim Felton, Gretta Madigan and Mary Turner

1.2 Devon County Council (DCC) officers:

Hilary Winter, Local Access Forum Secretary
Heidi Cruickshank
Rosalind Mills

1.3 Observers/visitors

Jeff Haynes, Dartmoor National Park Authority
Robin Moore, Chairman, Cornwall LAF
Marjorie Moore
Micheline Green
Ron Hale
Jonathon Mitchell
Francine Tullis, CAMPFORR

The Devon LAF Secretary took the chair and welcomed those present, particularly Robin Moore, Chairman of Cornwall LAF.

2. Election of Chairman

Bob Harvey was re-elected as Chairman for the coming year, proposed by John Skinner and seconded by Sarah Slade.

3. Election of Vice-Chairman

Terry Faull was re-elected as Vice-Chairman for the coming year, proposed by George Whitfield and seconded by Charles Fane Trefusis.

The Secretary reported that those with one-year appointments had all expressed a wish to serve on the Devon LAF for a further three years. Terry Faull, Bob Harvey, John Skinner and Sarah Slade were welcomed back on the Devon LAF and Bob Harvey took the chair for the remainder of the meeting.

Bob Harvey thanked the Devon LAF for their work in the previous year and spoke of the need for the LAF to be independent, cohesive and credible. He stressed the importance of developing an image with the public. Bob Harvey had sent members a personal letter reflecting on the Devon

LAF during its first year and would welcome feedback from members. He thanked the Secretary, Hilary Winter, for her work.

4. MINUTES

The Minutes of the meeting held on 24 February 2003, previously circulated, were signed as correct.

5. MATTERS ARISING

5.1 Local Transport Plan

Following the last meeting the Secretary had written to the Department for Transport requesting that horse riding should be given a higher profile in future Local Transport Plans. The new guidance on Local Transport Plans was expected imminently and Devon County Council would be consulting the Devon LAF on this document.

Jenny Parsons was representing the British Horse Society and presenting evidence to the Local Transport Plan Panel Hearing at County Hall on April 29 2004.

5.2 Disability needs

The Secretary had contacted the Royal National Institute of the Blind and had been informed that the contrast between the typeface and the background colour was most important for those with limited sight. Further information was being sent and would be circulated to members.

5.3 Landowner and land manager presentations

The Chairman reported that the landowners and managers had provided similar views at the last meeting. All had covered the educational aspects and stressed the importance of liaison and dialogue between users and land managers to overcome any misconceptions. The overwhelming majority of farmers and landowners were supportive and helpful to access users and vice versa. Under new Common Agricultural Policy proposals it appeared likely that land managers would be required to maintain paths or lose payments under cross-compliance regulations.

The Chairman drew attention to the 'Land managers guidance pack', recently published by the Countryside Agency. On page 7 this stated "contact your LAF for assistance and support with issues relating to access and your own business. LAF meetings are open, public events – you may ask the Chair to table important issues relating to your land at a meeting. If the LAF then considers your issue, it will be able to advise both you and your access authority on the most appropriate actions." Members were concerned at the implications of this for the LAF's strategic role and how these issues could be considered within a suitable time-scale given the number of LAF meetings. Further advice would be sought.

Action: The Secretary would contact the Countryside Agency to seek clarification on the role of the LAF and local issues.

5.4 Insurance cover

The Secretary had spoken to NFU Mutal and an independent broker to seek clarification on insurance for land managers with rights of way. Currently there was no difference in premiums for those with rights of way and those without. The CROW Act made clear that open access land reduced insurance liability to that of trespass and there should be no additional cost to the land manager, even though some well-publicised cases had sought to stop access on the grounds of insurance. It was agreed additional press publicity on this point

would be helpful and would raise the profile of the Devon LAF. One insurance broker did not rule out the possibility of future rises in premiums.

Action: The Secretary and Chairman should obtain accurate information and prepare a press release.

5.5 Response to DEFRA on the consultation document on the use of mechanically propelled vehicles on rights of way.

A response to DEFRA had been sent. The LAF was informed that DEFRA had received over 15,000 responses and these would take some time to analyse.

At the request of Charles Fane Trefusis, who had to leave the meeting early, item 10 was taken at this point.

10. Report from the Rights of Way Improvement Plan Working Group

Sarah Slade reported that the Working Group had held two long meetings on the matrix. The group looked at examples from other organisations and authorities and sought to look at how competing rights of way improvements could be assessed objectively. The group had broken different aspects down into areas and looked at potential impacts and how all these could be scored. Rather than putting on precise scores the group had decided to set an order of priority which also allowed for negative scores. The group had made good progress and the matrix should provide a flexible and adaptable system. Some amendments were suggested which would be incorporated. The LAF hoped the final matrix to be adopted by Devon County Council would be a public document used to justify its decisions.

Heidi Cruickshank thanked the Devon LAF for its contribution and the balance achieved between land managers and access users. She was waiting for Dartmoor and Exmoor LAFs to come back with their contributions which would either be combined with the Devon matrix or form a separate scheme. She suggested the scoring system should be reviewed in 2/3 years time.

Action: It was agreed that members should contact the Secretary with any further amendments. The Secretary would forward the matrix to Devon County Council incorporating these changes and explanatory footnotes.

Vision Statement

Terry Faull reported that the Working Group had sought to develop a Vision Statement to set the RoWIP within context, as well as looking at its implementation and detail. The RoWIP should be an open system that explained why and how decisions were made. Many believed circular routes were important and improvements to achieve these could be made by linking existing rights of way and, where possible, encouraging multi-use. Waymarking was an issue raised by a member of the public. It was agreed it was important to clarify and publicise the legal status of routes. The RoWIP needed to be informed and take advantage of any funding opportunities under the Common Agricultural Policy. The LAF should publicise its expectations of the RoWIP and members agreed that the Vision Statement should also be forwarded to Devon County Council.

Action: The Secretary should forward the Vision Statement to DCC.

6. Correspondence

6.1

The Chairman had previously written to Susan Carter, Head of the Countryside (Recreation & Landscape) Division at DEFRA seeking guidance on the Devon LAF becoming involved in wider countryside issues. Ms Carter had replied drawing attention to the guidance issued to Local Access Forums which stated “Local access forums will have a wider role in advising upon strategic access and recreation issues generally. This is likely to become a major part of a forum’s work programme once the immediate tasks of implementing Part 1 of the Countryside & Rights of Way Act 2000 have been completed within its area”. Ms. Carter emphasised that the Devon LAF should not distract itself from the important work that needs to be done in implementing Part 1 of the Act. Members recognised that the guidance in the Land Managers’ guidance pack, previously quoted in 5.3, provided a slightly different interpretation with its emphasis on local issues.

6.2

Members had been circulated with details of legislation on the ‘Removal of Obstructions on Rights of Way’. This set down a time-scale for highway authorities to respond and clear any obstructions.

6.3

The Chairman had received a letter about motorcyclists using unsurfaced roads on a commercial basis and this would be passed to Devon County Council.

6.4

The Chairman reported he had made a personal response on the draft access maps referring to the possible inclusion of coastal land.

7. Provisional Maps

Correspondence had been received from the Countryside Agency giving a response on the particular land parcels mentioned by the Devon LAF. Some additional coastal land in South Devon had been included. The Secretary had contacted the Planning Inspectorate who had only received one appeal for Devon but many more were anticipated before the deadline date. It was apparent that not all inconsistencies had been resolved. Overall there had been a reduction of 2.4% countywide in open access land, of which 10.5% was outside the National Parks. Outside the National Parks there were 13 island sites on Commons and 20 other islands. There were 104 areas of Common and 88 other parcels of land identified as open access. Some large Commons with separate mapped areas, such as Woodbury Common, were counted as one parcel.

The Land Managers’ Guidance Pack makes the assumption that the local highway authority will take on the responsibility and cost of managing open access. Open access represented a huge recreational resource but had significant cost implications. The Environment Directorate was compiling a report for the Executive on the costs of implementing open access and was in discussion with other authorities where access land was already in place. A paper outlining costs would be sent to the Executive meeting of Devon County Council in May. It was agreed it would be appropriate for the Devon LAF to look at this when published and make a response to the Executive.

It might be appropriate for a LAF Working Group to identify island sites and how accessible these would be to the public, but this would be premature whilst the appeals process was going

on. The RoWIP matrix would set priorities in an objective fashion and island sites would not necessarily receive high priority.

Action: Devon County Council was asked to provide the Devon LAF with a copy of the Executive Report, allowing time for comment to be made.

A draft Access Management Grant scheme had been published by the Countryside Agency and would enable Local Authorities to bid into money from central government to assist, primarily, in managing sensitive open access sites.

8. Annual Report

It was agreed this should include a few more details from the Workplan and include the logo. It was suggested that the report might include budgetary information. It was agreed the financial information could be made available on the website, thus allowing a brief report to be made available in published form.

The Public Rights of Way Committee was meeting on May 11 and the Annual Report, in some format, would be available for that meeting. The report would be made available at shows and sent to other organisations.

Action: The Secretary would finalise the report and arrange publication and distribution.

9. Regional LAF Workshop

The Chairman had made the initial contact with other forums and had received a positive response. Malcolm Bell, Chief Executive of South West Tourism Ltd. would be one of the speakers plus a senior member of staff from the regional office of DEFRA at Bristol. Members were asked to let the Secretary know if they wished to attend. Numbers would be limited initially to six people from each forum.

Members raised the following issues as possible items for workshop discussion: -
Linking long distance paths across County boundaries
Multi-use
Island sites.

10. These items were taken earlier in the meeting.

11. Consultation relating to regulations about public places under section 42 of the Countryside and Rights of Way Act 2004

Members considered the above consultation from DEFRA, a summary of which had been circulated. John Skinner led members through the proposals. Currently, all Public Place legislation would apply to open access land unless specific regulations were made to exempt such land. It was felt current legislation might place an unnecessary and unreasonably burden on landowners. Rather than amending existing legislation, which would require Parliamentary drafting, regulations could be put in place. Members agreed with basic criteria under which regulations were deemed suitable, namely:

- Would the existing provision place an undue burden on the landowner/occupier?
- Could regulations be introduced without compromising safety of access users?
- Could regulations be introduced without unduly compromising the amenity and harming the environment?
- Would regulations have an undue effect on the ground?
- Does existing legislation implement an EU directive, in which case it could not be disregarded?

Option 2 covered whether to make regulations in respect of mines and quarries, currently covered under the Mines and Quarries Act 1954. Members were concerned about the possible impact on landowners if the cost of making quarries safe was passed onto them by the local authority. Landowners could apply for restrictions to exclude members of the public from such sites designated as open access but positive and practical management was the option preferred by the Countryside Agency. Mr Robin Moore, Chairman of Cornwall LAF expressed his concern about these proposals from the Cornish perspective and saw a need to manage where the public entered or left open access land with mines and quarries, but a proliferation of signs might be detrimental to the landscape. The proposed Access Management Grants might make it possible to make preferred routes more obvious. Members felt the decision on whether to impose regulations on mines and quarries (Option 2) should be deferred until access land comes into force and it could be assessed how local authorities and landowners will react.

Members considered the other Options relating to excavations (*Local Government (Miscellaneous Provisions) Act 1976*); anti-social behaviour (*Criminal Justice Act 1967, Licensing Act 1902, Confiscation of Alcohol (Young Persons) Act 1997 and Children and Young Persons Act 1993*); dogs (*Dangerous Dogs Act 1991, Dogs Act 1906 and Environmental Protection Act 1990*).

Members could see the justification for removing legislation in order to increase enjoyment and benefits to access users but were concerned about any erosion of rights previously enjoyed by landowners and the prospect of a rise in anti-social behaviour on open access land. Landowners would be governed by the same regulations, or in the absence of regulations by current public place legislation. It was agreed that the guiding principle should be to enhance access and to minimise the burden on landowners whilst protecting the safety and enjoyment of the public. Members could not see how the proposals could achieve these objectives.

Devon County Council had given the consultation document to the The Anti-Social Behaviour and Public Reassurance Officer with the Devon and Cornwall Constabulary who would also consult the Crime and Disorder Partnerships within the County. A response was awaited but Devon County Council was not responding formally to DEFRA.

The proposals also raised the problem of enforcing differing rights on new Open Access land and on adjacent land where existing rights of way were covered by current public place legislation.

Members suggested that the Country Code could be strengthened to incorporate responsible behaviour on open access land.

Action: It was agreed the subject area was too complex to reach a final conclusion. The Secretary undertook to draft a letter to DEFRA and circulate to members prior to forwarding.

12. Consultation paper on proposals for regulations on appeals against notices under Section 38 of the CroW Act 2000

Members considered this paper, a summary of which had been circulated. The proposals detailed the appeal process whereby a landowner or occupier could appeal to the Secretary of State against a Notice served about failure to observe a restriction on certain activities (Section 36 (3) or against a Notice from the local authority stating that it will carry out the work (Section 37 (1)).

Members agreed that there was a resources cost to the local highway authority, particularly with island sites. Nevertheless the appeals process was important and it appeared straightforward. Members sought clarification on the role of the Local Access Forum once it had been notified of the appeal process. It was agreed there should be a mechanism for informing and consulting with Parish Councils.

Action: The Secretary would incorporate these comments and send a response to DEFRA.

13. Agricultural Shows

Members were given details of show dates and asked to contact the Secretary if they wished to attend and assist Public Rights of Way staff from Devon County Council.

Action: Members should provide the Secretary with available dates.

14. Leisure Industries Research Centre – Report on access and multi-use for Devon County Council

The report was not yet finalised but should be available as a public document during May. Senior management of Devon County Council would be given a presentation on its findings.

Action: The Secretary would circulate the report when available.

15. Work Plan 2004/5

Members were asked to forward specific suggestions and amendments to the Secretary. A session on equine issues was mentioned and also how members of the public could participate and bring matters to the attention of the LAF.

The question of identifying paths was raised. It was suggested each path could have its unique number written on the sign but this would have resource implications for Devon County Council.

In time the number of consultation documents should reduce allowing the LAF to concentrate on other issues.

Following the RoWIP consultation, Heidi Cruickshank was putting together an information leaflet detailing basic information on rights, responsibilities and contact points. There would be two leaflets; one for landowners/managers and one for access users. This initiative was welcomed.

16. Any other business

1) The Vice-Chairman suggested that each member of the LAF might like to suggest a favourite walk/ride to put on the website.

Action: Members should pass on details of suitable routes to the Secretary.

2) Ron Hale, member of the public, mentioned there were only two LAF members from East Devon and it was difficult for them to be very familiar with issues over the whole area.

3) The Secretary would send members details of the Training Day to be held in July.

The next public meeting would be at County Hall on Friday, October 15, 2004 at 6.00 p.m.