

DEVON LOCAL ACCESS FORUM

Minutes of the Fifth Public Meeting of the Devon Local Access Forum (Devon LAF)
held at the Young Farmers' Centre, Exeter from 10.30 a.m. to 2.00 p.m. on
Tuesday 24 February 2004

1. ATTENDANCE

1.1 Forum Members:

Bob Harvey (Chairman)
Charles Fane Trefusis
Christine Ingram
Jenny Parsons
Sarah Slade
George Whitfield

Terence Ayre
Terry Faull (Vice Chairman)
Gretta Madigan
John Skinner
Mary Turner

Apologies for absence were received from Mareth Adams, Michael Bickell and Tim Felton.

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
Sally Vickery, Somerset County Council
Chris Newton, DEFRA – Countryside Stewardship
Layland Branfield, NFU
Charles Huntington-Whiteley, CLA
Mary Talbot-Rosevear, Small Farms Association
Philip Hosking, Small Farms Association
Geoffrey Burgess
Peter Edwards
Ron Hale
Roz Partridge, CAMPFORR
Francine Tullis, CAMPFORR

2. MINUTES

The Minutes of the meeting held on 28 October 2003, previously circulated, were signed as correct.

3. MATTERS ARISING

3.1 South West Tourism Ltd

The Chairman and Vice Chairman had held a useful meeting with Malcolm Bell, Chief Executive of South West Tourism Ltd. South West Tourism was well aware of the importance of access provision for tourism, an appreciation sharpened by the foot and mouth crisis. Tourism was the biggest economic driver in the South West but research showed the changing nature of tourism and the growth in long weekends and lifestyle holidays, accompanied by different and higher expectations from tourists. SW Tourism had produced a useful walking guide for the South West. Mr Bell would be pleased to speak at a future forum meeting.

- 3.2 Meeting with Edward Chorlton, County Environment Director and Regional Workshop**
The Chairman, Vice Chairman, Secretary and DCC Officers had met with Mr Chorlton to discuss progress of the forum. Mr Chorlton had suggested the forum might include functional transport in addition to recreational use in its consideration of the Rights of Way Improvement Plan. He was supportive of a small regional workshop where some members from Devon LAF and neighbouring LAFs could share ideas. A Committee room at County Hall would be available. Cornwall LAF was planning a larger regional conference at Bristol in the autumn and details were awaited.
Action: It was agreed the Secretary would arrange a regional workshop in consultation with the Chairman and Vice Chairman. Four people from each LAF and a couple of speakers would be invited to a day workshop.
- 3.3 Liaison with District Councils**
Mr Chorlton had suggested closer contact between the Devon LAF and District Councils. The District Councils would soon be required to prepare Local Development Frameworks, a spatial planning document replacing Local Plans. These Frameworks could identify areas where access could be improved and it was important to build in these concepts at an early stage, even though the responsibility for access would remain with the County Council. The LDFs would involve the community and Parish Councils.
Action: It was agreed the Secretary would write to District Councils once the LDF guidance had been released.
- 3.4 Budget**
The Secretary reported that the budget should be on target for the financial year. Members were reminded to submit claim forms promptly.
- 3.5 Draft access maps**
The Secretary informed members that the Provisional maps were due for release on 4 March 2004 and details of changes would be available at the April meeting. The Devon LAF could not make comments at this stage in the process as it was not a landowner but could find out information on the appeals process or, if appropriate, comment on appeals. It was agreed it would be inappropriate for the LAF to get involved in individual appeals unless there were matters of principle at stake. Comment could still be made on areas left off the map but this would not alter the Provisional or Conclusive maps, due for review in 10 years time.
Action: The Secretary undertook to obtain a summary of the appeals submitted by the time of the next meeting.
- 3.6 Countryside Stewardship access criteria.**
DEFRA had just published details of the revised Countryside Stewardship rates, which had been increased. Attention was drawn to the fact that designation of land as open access would result in cessation of Countryside stewardship access payments as the Government could not make payment on land the farmer was statutorily obliged to open under access. Access payments could be retained if access could be upgraded above the basic level required by the CROW Act, for example by providing a new bridleway or access for the less mobile. Future Countryside Stewardship would be targeted to link in better with rights of way and the Rights of Way Improvement Plan. Under CS, consideration could be given to joint applications for access from a group of landowners.

3.7 Local Transport Plan Guidance

A reply had been received from the Department for Transport stating that the guidance consultation on the Local Transport Plan would be issued in the Spring and advising that the Devon LAF could comment at that stage or submit any thoughts in the meantime. Members agreed comments on the inclusion of horse riding in the LTP should be submitted immediately and these should incorporate comments about the changing nature of country lanes. Currently, horse-riding considerations in the Devon County Council LTP were restricted to safety issues around vulnerable horse-riding crossings although a Quiet Roads pilot project was looking at reducing the impact of traffic on rural roads in five parishes.

Action: The Secretary would write to the Department for Transport.

3.8 Country Code and disability needs

The new Country Code was with the Government Minister for approval and had an anticipated launch date of 13 July 2004. The Secretary had written, following Mrs Pope's presentation, to ask that awareness of disabled people should be incorporated in the Code.

Correspondence had been received following the last meeting suggesting that signs and information should be in larger lettering to assist those with limited sight.

Action: It was agreed the Secretary would ascertain whether any colour of lettering was most suitable for people with limited sight.

CORRESPONDENCE

4.1 Land between the Moors

Tim Felton and the Secretary had attended the 'Land between the Moors' conference in the autumn. The Secretary had responded to the draft consultation document with comments about access provision, its importance to local people and the need to incorporate the Rights of Way Improvement Plan as one of the strategic processes influencing the area.

CONSULTATIONS

5.1 A Framework and guidance on local signage required to implement the new access rights.

Members had commented on the consultation document and a response, reflecting those views, had been sent. A copy was attached to the agenda.

5.2 Public Access Consultancy for the Army Training Estate – Regional Report ATE South West.

A response on Braunton Burrows and Staddon Heights had been sent to RPS Consultants. The Devon LAF did not comment on the extensive military training area on Dartmoor, also included within the report, as this would be covered by the Dartmoor LAF. A letter had subsequently been received thanking the forum for its response and useful feedback. The Devon LAF comments had been forwarded to the Ministry of Defence who will continue to review public access provision.

Members expressed some concern about the number of consultations from different bodies but considered it useful that the LAF was being consulted.

REPORT ON PROGRESS ON THE RIGHTS OF WAY IMPROVEMENT PLAN

6.1 Establishment of a Working Group

The Chairman reported that a Working Group of members had met in January to consider an objective priority scoring system for schemes that might come forward under the Rights of Way Improvement Plan. The group had a lot of information to digest but had made significant progress.

The results of the Working Group, which would meet again shortly, would be brought to the forum meeting in April.

6.2 Report by Heidi Cruickshank, Rights of Way Improvement Plan Officer, DCC

Heidi Cruickshank recapped on the RoWIP process. Excluding Unsurfaced County Roads (UCRs) the following lengths of network were available to access users in Devon:-

5070 km (footpaths) for walkers

1335 km (cycletracks) for walkers and cyclists

1234 km (bridleways) for walkers, cyclists and horse-riders

68 km (restricted byway) for walkers, cyclists, horse-riders and carriage drivers

68 km (byway open to all traffic) for all those groups plus motorised vehicles.

Taking information from published surveys DCC expected the following adult participation in Devon:-

595,080 participants to walk

134,660 to walk dogs,

342,400 to cycle

53,500 to ride

500 to drive carriages.

It was expected that over 42 million activity days in Devon would be spent on walking by adults compared with just over 1 million riding activity days. These figures included the populations of Plymouth and Torbay who made extensive use of the surrounding countryside.

Devon County Council had consulted the public on the RoWIP at agricultural shows and through libraries, Tourist Information Centres and the website. 681 returns had been received. The main issue for every group of access users, visitors and landowners was **maintenance** of the access network. **Links in the network** was the second most important issue for everyone except visitors. Other issues raised included **information and signs, landowner issues, waymarks, the South West Coast Path, ease of use, legal and safety aspects.**

With regard to maintenance, DCC had improved the percentage of easy to use paths from 56% to 72% in twelve months under its Public Service Agreement and anticipated 90% of paths would fall in this category by March 2005. An information leaflet was being put together for use at the agricultural shows.

During the next phase of the plan DCC will publish a report on its findings from the public consultation exercise, as part of its assessment, and the public will be asked whether they consider that this report reflects their views accurately.

The Local Transport Plan Panel Hearings were being held in April and May and the LAF would be informed of the dates and location.

Questionnaire returns from Parish Councils and representative groups were being analysed and a report would be available at a later date.

Heidi Cruickshank was thanked for her work and asked to report if there were any difficult issues.

In answer to questions from members, the following answers were given:-

1. DCC were in discussions with DEFRA about extending bridleway provision.
2. DCC were not prepared to identify which new routes were being requested as a result of the consultation exercise, as these were on private land and landowners had not yet been consulted.
3. The Annual Business Plans accompanying the RoWIP would be more specific and provide more information to the public.
4. The matrix being developed by the LAF to score potential improvement schemes would need to be sufficiently robust to take account of peoples' needs.

7 PRESENTATIONS

The Chairman introduced Charles Huntington-Whiteley, partner in the Exeter office of Strutt & Parker, specialising in rural land issues and a member of the Devon CLA branch committee; Layland Branfield, Devon farmer and Devon NFU Deputy Chairman; and Mary Talbot-Rosevear, previously Director of UK Zoos and now Secretary of the Small Farms Association.

Charles Huntington-Whiteley

Mr Huntington-Whiteley outlined his background in rural land management and his current interests, which included involvement in self-catering accommodation. He made the following points.-

- Visitors to the countryside wished to walk but frequently footpaths did not link up.
- Open access
 1. There were errors on the first maps and some were badly drafted.
 2. The CLA did not anticipate a great number of appeals from landowners as large areas already had de facto access.
 3. There was concern about island sites and the fact that a lot of relatively small areas had been mapped. It would be sensible to have links between these.
 4. Landowners were concerned about future inclusion of river banks and woodland and the implications of this.
 5. Grants for Countryside Stewardship will be removed on open access land once the Conclusive maps were published. Landowners felt the right had been taken from them without compensation for the loss of value.
- Landowners felt there was a need to take a more sympathetic view to diversion and stopping up, particularly if there were other compensating benefits. There was no right of appeal in the case of a diversion unless there was an error in law, unlike planning applications, and it was felt this was unreasonable.
- There was a need for greater connection and liaison between farmers and access users.
- Landowners held the view that they should be compensated for and paid for access use and it was unfair that maintenance frequently fell to the farmer.
- Parish Councils were the key partners in good footpath maintenance and voluntary work was invaluable.

Layland Branfield

Mr Branfield had over two miles of bridleways and footpaths on his farms. He commented that:-

- Signing was under-funded
- The problems and issues were, in reality, quite small compared to the numbers of people using paths.
- Dialogue between access users and farmers was important to sort out the problems.
- The existence of rights of way precluded some forms of farm operations taking place adjacent to paths.
- Where there was access across farmland, farmers always had to have an eye to safety issues and insurance implications.
- Farmers often did not have the spare money to maintain paths

- There was increasing pressure on paths, which historically were not designed to meet the current level of usage. There was a need to upgrade paths to overcome some of these problems.
- Access across farmland frequently resulted in a conflict with ecological objectives.
- Farmers had to manage their land in a way that anticipated the presence of people and dogs and this had implications for livestock management.
- Farmers were not convinced that the money offered by Countryside Stewardship or other schemes was sufficient for the hassle involved in providing access.
- Education of the public was a key issue and The Country Code needed to be brought to the fore and publicised.
- The publication of a large number of Guidebooks often presented a problem, as these were sometimes inaccurate.

Mary Talbot-Rosevear

The Small Farms Association represented farmers with under 250 acres and had 300 plus members, predominantly in Devon. Their views had been sought on access issues and the response was as follows:-

- The main problems encountered by small farmers included access users straying from paths; leaving gates open; allowing their dogs to disturb stock; crop and grass damage and higher insurance premiums.
- Small farmers thought some access users had had a bad experience of farmers and this gave farmers a bad name but 98% of farmers were sympathetic. Users sometimes feared being told off by farmers.
- Path surfaces were important but farmers should not be expected to surface them at their own cost.
- Small farmers found it more difficult than large landowners to move stock around to avoid difficulties with access users.
- It was felt there should be continuity in signing across the country with well-maintained directional signs.
- If farmers were close to popular areas, there could be potential economic benefits from access provision.
- The vast majority of small farmers were not aware of grant support for access.
- Two thirds of small farmers who responded were in favour of open access.
- The Small Farms Association thought access problems should be resolved on a one to one basis and not through public meetings.
- Most access users were seen by farmers to be responsible and considerate. An awareness programme, particularly amongst urban dwellers, was needed. Most SFA members thought education was the key to harmony.
- There were opportunities for public relations and educational initiatives. Farmers did not have the time to get involved in a formal education process but needed training to put across their message to access users. Farmers could get involved in publicising farms and providing walks on selected farms.
- A Code of Practice for farmers, which laid down minimum requirements, would be helpful.
- Farmers were of the opinion that access users respected higher quality gates and stiles.
- Members of the SFA had little knowledge of the P3 scheme and its value in allowing the community to feed back information.

The SFA provided their members with information and leaflets but these were not always read and taken on board.

Farmers and landowners who perceived that their land was about to be mapped were more aware of the open access consultation process.

Members raised a number of issues and questions:

1. If the public paid for access how could farmers develop this?
2. Could CAP modulation be used to pay for access?
3. If landowners were paid for access provision, how would this change their insurance liabilities and would the payment be sufficient to overcome the hassle? Insurance for horse-riders might be covered by the terms of their own insurance.
4. Countryside Stewardship allowed permissive access for 10 years and it was important to facilitate groups of farmers and create links. User groups had a role in getting farmers together to discuss such options.

Action: The question of insurance cover was complex and the Secretary undertook to find out further information.

Member of the public: Francine Cullis.

Francine Cullis reported on the success of toll rides in other parts of the country, which provided circular routes and links to other circular routes. She was hoping to interest Devon farmers and landowners in the scheme as many local horse-riders were prepared to pay. There would be discounted rates for children and those using the route on a limited basis. She asked whether toll rides could be incorporated in the RoWIP. The increasing use of 4 wheel drive vehicles on tracks posed safety issues for horse-riders. She suggested toll riders could enter into an agreement with the farmer stating that a rider would not make a permanent claim on access. Riders usually had third party insurance cover and might not have sufficient cover to do clearance work and maintenance on paths.

The Chairman thanked the speakers for their informative talks and drew out the need for co-operation and communication between landowners and access users through information and education.

8 DEFRA Consultation ‘Use of Mechanically Propelled Vehicles on Rights of Way’

During the debate on this issue, members’ attention was drawn to a letter received from Brian Sussex, Chairman of the Trail Riders’ Fellowship.

Proposal 1

Members agreed with the proposal to disseminate knowledge on powers available to the police, local authorities and courts and others to deal with vehicles using rights of way illegally. It was suggested that DEFRA should, in addition, contact the Community Safety Partnership at County level to seek opportunities to reduce conflict and educate the public. The initiative of DCC to set up a meeting with the Devon and Cornwall Constabulary in the hope of creating a specialist Access Officer post was welcomed and a supporting letter had been sent by the LAF. The LAF would urge DEFRA to see whether this initiative could be replicated elsewhere.

Proposal 2

Members considered that ‘Making the Best of Byways’ (1997) was a useful working document. It was difficult, however, for members to comment on revising this publication on the basis of a research project into the use of byways, as the members were not aware of what revisions were being suggested. The use of Traffic Regulations Orders to stop up a byway open to all traffic could be used on safety grounds.

Proposal 3

Members accepted that any future use of a footpath or bridleway should be treated as giving rise to restricted byway rights but no other public rights of way.

Proposal 4

Whilst accepting the need to clarify the situation, members felt the one year cut off date was unfair to users of mechanically propelled vehicles. It did not give them much time to submit a claim and, in the case of Devon, the relocation of the County Record Office and subsequent closure for a period of months could create significant problems in providing evidence for any claim. Members agreed that a 3-5 year period was more realistic.

Proposal 5

Members supported the proposal to process orders to their conclusion and to set up a register of applications for Definitive Map Modification Orders, subject to extending the term to 3-5 years.

Proposal 6

Members supported the proposal for an easement to confer a private right of way for vehicles for the benefit of an owner or occupier.

Proposal 7

Members proposed that the 2026 cut-off date should be brought forward to a period 3-5 years from the commencement of the legislation.

Action: It was agreed the Secretary would draft a response to DEFRA and circulate to members for their comments, prior to submitting a formal response.

9 ANY OTHER BUSINESS

9.1 Countryside Agency Guide for Landowners

The Countryside Agency had just published a useful and comprehensive guide for landowners on managing their land for access. This could be obtained by telephoning the Countryside Agency publications number on 01845 100 3298 or via the website www.countryside.uk/widerwelcome/open_access

9.2. Future meetings

It was agreed to hold future meetings at 10.00 a.m. to allow meetings to finish by lunchtime.

9.3. Working Groups

Additional working groups had been suggested previously by members. The Secretary advised that these would be set up in the next financial year.

9.4. Future speakers

A request was made for a British Horse Society speaker who could also speak about carriage driving.