

DEVON LOCAL ACCESS FORUM

Minutes of the Seventh Public Meeting of the Devon Local Access Forum (Devon LAF) held at County Hall, Exeter from 6 p.m. to 9.10 p.m. on
Friday 15 October 2004

1. ATTENDANCE

1.1 Forum Members

Terence Ayre

Michael Bickell

Terry Faulk (Vice-Chairman)

Bob Harvey (Chairman)

John Skinner

Mareth Adams

Charles Fane Trefusis

Tim Felton

Christine Ingram

George Whitfield

Apologies for absence were received from Gretta Madigan, Jenny Parsons and Sarah Slade

1.2 Devon County Council (DCC) officers:

Hilary Winter, Local Access Forum Secretary

Heidi Cruickshank

Mike Jenkins

Rosalind Mills

1.3 Observers/visitors

Geoffrey Burgess

Suzanne Daly

Alistair Gordon, Somerset Local Access Forum

Ron Hale

Jeff Haynes, Dartmoor Local Access Forum and Dartmoor National Park Authority

Diana Letcher, Teignbridge & Torbay British Horse Society

Jonathon Mitchell

Cllr David Morrish, Devon County Council

2. MINUTES

The Minutes of the meeting held on 23 April 2004, previously circulated, were signed as correct.

3. MATTERS ARISING

3.1 (5.4 23.4.04) Insurance Cover

. An additional note on occupiers' liability on Open Access land, published by the Countryside Agency was included in the information pack for members. No press release had been sent out by the LAF as the legal issues were complex.

3.2 (8.0 23.4.04) Annual Report

Copies of the Annual Report had been circulated to organisations, other Local Access Forums, Parish Councils and to the public at local agricultural shows.

3.3 (9.0 23.4.04) Regional LAF Workshop

The Chairman reported the event had been very successful and feedback had been positive.

Following the workshop a letter on general LAF matters from the West Country LAFs had been

sent to the Rt. Hon. Alun Michael, MP (Agenda Paper 1) and also a letter on the Access Management Grant (Agenda Paper 2). Replies from Alun Michael answering many of the points raised had just been received. It was noted that Defra officials would be working with the Countryside Agency and seeking views from local access forums on the type of support, information and guidance they would welcome.

3.4 (11 23.4.04) Consultation relating to regulations about Public Places under Section 42 of the Countryside and Rights of Way Act 2000 (Agenda Paper 3)

The Secretary reported that a response had been sent to Defra. A letter to Highway Authorities dated 17 September stated that, after carefully considering the benefits for public safety and the potential burdens for landowners, Alun Michael had decided not to make any regulations on 17 June 2004. This meant legislation affecting public places would apply to all new access land.

The Access Management Grant Scheme had been widened to include safety provision and access management issues around mines and quarries.

3.5 (12 23.4.04) Consultation paper on proposals for regulations on appeals against notices under Section 38 of the CRoW Act 2000 (Agenda Paper 4)

The Secretary reported that a response had been sent to Defra following comments from members.

7. Devon Local Transport Plan (Agenda Paper 7)

Item 7 was taken at this point. Zsolt Schuller, Transportation Planning Officer, Devon County Council, was working on the 2nd Local Transport Plan and ensuring many different interest groups had the opportunity to have an input. A number of Panel Hearings had been held at which representatives of Devon organisations presented opinions on the LTP to three or four Councillors. These had already resulted in a wide range of comments which can be viewed on: http://www.devon.gov.uk/index/transport/devon_local_transport_plan/second_transport_plan/panel_hearings.htm The second round of hearings was due to take place in mid November.

1000 on-street questionnaires had been completed in Exeter, Exmouth, Holsworthy, Dartmouth and a number of villages in addition to comments received from focus groups, an on-line questionnaire and the 'Devon in Touch' roadshow.

The 'Moving Forward' document raised twelve questions about transport in Devon within the context of four priorities agreed between Government and local authorities; improving accessibility and public transport, tackling congestion, improving road safety and reducing air pollution and climate change. These included a number of key issues such as ensuring maximum benefit was gained by pedestrians, cyclists and equine groups; tackling speeding traffic and addressing traffic improvements for young people. A balance had to be struck between encouraging people to use the rights of way network and minimising signage. Separate consultations with Dartmoor and Exmoor LAFs had brought forward a number of comments including inappropriate levels of signage; the lack of co-ordination between bus services and the need to publicise timetable change dates in advance; the potential for informal village Park & Ride schemes; road safety; appropriate road surfaces, particularly at gateways to villages; and walks centred on villages.

Points raised and discussed were as follows:-

- There was potential for greater liaison on surfacing methods across the County;
- Highway surfaces needed to be made safe for horses and inclusion of horse-riding groups at an early stage of consultation would be helpful;
- Safety should be a prime consideration, particularly taking horses off main or busy roads, facilitating safe road crossings and dealing with bridge parapets that were too low;
- User groups should be consulted to balance needs for increased access with highway authority priorities;
- There was a need to ensure liaison between the Rights of Way and the Local Transport Plan sections, thereby giving rise to appropriate linkages and integration;
- The LTP needed to draw a distinction between leisure and functional cycling and should explore safe routes and how facilities such as bike parks could be incorporated;
- Solutions to signage and traffic calming should be developed with the police and other authorities;
- The ‘Quiet Lanes’ initiative reduced the volume of traffic but not necessarily the speed and this should be tackled through education and engineering;
- The LTP should look at publicising and developing Quiet Lanes schemes adjacent to routes such as the Tarka Trail or Two Moors Way so that people could do a circuit;
- Verges could be better utilised for horses, particularly to link bridleways, where ownership and responsibility could be identified. Considerations of sign location, tree and drainage gully management were vital. Small tracks could possibly be included within the verge.
- Devon had no long distance routes for horses.
- Devon’s road network was in a poor state which compounded access problems. Maintenance was important but it might be unrealistic to expect the whole network to be maintained to the same standard.

The LTP section was working closely with the RoWIP process to ensure this was tied in successfully.

A future Public Service Agreement (PSA) may look at innovative improvements to access to the countryside and how to encourage disadvantaged groups to take part in outdoor activities.

4. Report on the Training Day

The Vice Chairman reported on the Training Day, held in the summer. This had been very useful. Members had looked at the successful Ruby Country Initiative and there was a need to see if this could be encouraged and fostered elsewhere in the County.

Members had visited Whiteleigh Meadow, an SSSI and registered Common, shown on the Provisional Map as Open Access. A bridleway marked on the Definitive Map across the Meadow was currently unusable. Long discussions had taken place between Devon County Council, the Forestry Commission, English Nature and user groups but an impasse had been reached. Devon County Council was now seeking to secure a diversion through forestry land but this was not acceptable to the FC. The LAF had asked DCC to have further discussions with English Nature to see whether the original bridleway could be reinstated.

Forum members looked at a short length of cycleway at Highampton and had advised DCC this should be multi-use, a recommendation supported by the Parish Council. The LAF took the view that it could have been multi-use from the outset had there been more consultation.

Forum members viewed Hollow Moor, a large SSSI but not registered as Common Land. The LAF had suggested its inclusion on the Provisional Open Access maps but this was not accepted. Members were concerned to note that the bridleway crossing the Moor was unmarked and there was no obvious access point, despite it being on the Definitive Map. This had been raised with DCC.

The forum had looked at a number of interesting issues of principle during the day.

Ros Mills, DCC, commented that Hollow Moor was one of the 10% of rights of way which it was not possible to achieve under the Public Service Agreement. A conscious decision had been made not to do anything as it was very expensive and complex to put right before April 2005 but it would be looked at after this date. With regard to Whiteleigh Meadow DCC was proposing a diversion which was opposed by the Forestry Commission. The solution of reinstatement may well be unacceptable to English Nature as construction of a causeway may be required to make it safe for horses. This could damage the status of the Meadow as an SSSI.

90% of routes had to be easy to use under the PSA by 2005. See report on:

http://www.devon.gov.uk/committee_minutes?url=dcc/committee/reports/ed04115hq.html

The Chief Executive and County Environment Director had made a commitment that the remaining 10% would be looked at in the next financial year. These were public rights of way either very difficult or expensive to put right. The LAF was reassured that these 10% could not be deleted from the Definitive Map nor downgraded as this was a legal process.

5A Members' reports from other meetings

Chris Ingram reported that a successful **SW Riders'** open meeting had been held on 27 August and different user groups had been represented. The meeting looked at the findings of the Leisure Industries Research Report on multi-use (agenda item 10) and had an update on the Ruby Country Initiative. She said the profile of the LAF had to be increased and members of the public needed to know how the LAF could assist them with access issues on a day to day basis.

Terry Faull reported on the **Cornwall LAF** meeting, held on 25 September. The Cornwall LAF was using Working Groups very effectively to address particular issues, for example Bodmin Moor, and the Devon LAF might usefully adopt this approach. The Rights of Way Officers also provided a report at each meeting. He noted Cornwall had a much lower percentage of easy to use paths than Devon and Devon's PSA work was commended.

Bob Harvey apologised for not getting to the **SW Coast Path** meeting. Alistair Gordon (Somerset LAF) had been present at the meeting and said the coast path programme and a number of options were considered. A site visit had been held to explore various issues. The meeting gave a better impression of both the work involved and the potential for the SW Coast Path.

5B Correspondence

5.1 Letter to Local Access Forums from the Rt Hon Alun Michael, MP, Minister for Rural Affairs and Local Environmental Quality.

Alun Michael had written to all forums on 1 September (Agenda Paper 6) expressing support for all the work and commitment shown by forum members. It stressed that Local Access Forum members were uniquely placed to advise on – and indeed champion – access and public rights of way at local level. The letter implied moves were being made to increase communication between LAFs at a regional level.

5.2 Letter from Howard Brunton, Somerset LAF Chairman

Following the workshop, Howard Brunton, Somerset LAF Chairman, had proposed establishing a disability working group. Initially Howard, John Ballantyne (Dartmoor LAF) and Janet Purdy (Dorset LAF) would draw together a draft paper on these issues. **Tim Felton agreed to comment on this draft at a later stage.**

5.3 Letter from Mrs Hewertson, Fremington

Mrs Hewertson had written to the LAF seeking support for a path, currently unrecorded. The ownership and legal status of the path were unknown but it would provide an opportunity to link neighbouring footpaths.

DCC reported that the Definitive Map Review process was carried out on a parish by parish basis and Fremington had been reviewed during 1994-1998. At that time this path had not been claimed and priority had to be given to dealing with parishes which had not yet been through the Definitive Map Review process. This was a thorough and time-consuming process involving a DCC public meeting, advertising, contacts with people and organisations and historical map and document research.

A debate followed in which members stated that they felt the public expected the LAF to have a view on or promote specific projects. It was mentioned that the Parish Council had been asked to identify new routes under the RoWIP consultation and should be asked which routes they had suggested.

The LAF had neither the resources nor executive powers to do a detailed investigation itself nor the time or expertise. It was agreed the rolling programme at DCC level was important from the point of view of fairness but there should be an additional system for feeding in later claims. As the Fremington review started 10 years ago this was a long time previously.

There was support for a fast track route for Definitive Map claims based on user statements or to meet local need. DCC reported that there was such a system if a route was in danger of being lost to development or where a route might be obstructed and there were no alternative routes.

It was agreed that the most effective use of the forum would be to establish principles and formulate a policy by which cases could be looked at and referred to existing processes. Whilst there was merit in looking at individual cases on the ground the forum could find

itself inundated. The Public Rights of Way Committee, DCC, was the vehicle for dealing with the legal processes.

It was agreed Terry Faull, John Skinner and George Whitfield should meet with Mike Jenkins, DCC, to look at the Definitive Map Review process in more detail.

It was agreed to write to Mrs Hewertson reaffirming the position and also to Fremington Parish Council to seek its view.

5.4 Letter from Mr Rayden, Cornwood

Mr Rayden had written requesting support for a Permissive bridleway across land owned by Imerys, china clay company. This would link bridleways to Dartmoor and avoid busy main roads.

John Skinner had viewed these proposals on the ground and they seemed to provide a sensible and useable route. The route had also been noted at the Recreational User Group meeting of Dartmoor National Park but, as almost all the route fell outside the DNP area, should be progressed by Devon County Council. The Parish Council was understood to oppose the scheme.

The recommendation that any letter of support should await the outcome of planned discussions between DCC and Imerys was agreed. In the meantime the LAF would write to DCC and the Parish Council to seek their views.

5.5. Letter from Mr Gibson, Sidbury

Mr Gibson had written requesting the possibility of access to Sidbury Castle.

The recommendation that this should be referred to the Rights of Way Improvement Plan process was agreed. The Parish Council would be contacted to seek its views.

5.6 Letter from Highampton Parish Council

Highampton Parish Council had written confirming its support for multi-use of the cycleway. A new adjoining bridleway had been suggested and residents' views were being canvassed.

A letter was circulated from Devon County Council stating that support for multi-use would be the preferred option for any new off road cycle routes. Existing routes would be considered for the introduction of multi-use and the County would work with local users and potential users to develop appropriate multi-use codes of conduct.

It was agreed to write to Highampton PC suggesting that any new proposals should be forwarded to DCC to include within the Rights of Way Improvement Plan.

6. Presentation by Stephanie Wheeler, BHS Regional Access and Bridleways Officer for the South West. "The Value of the Horse to our Local Economy"

Stephanie Wheeler explained the role of the BHS as the governing body for recreational riding. It covered not only access issues but had a much wider role in dealing with exam

qualifications to teach riding, publishing books and leaflets and looking at safety issues. She referred members to the Henley Centre publication 'A Report of Research on the Horse Industry in Great Britain', published by Defra.

Riding was a boom sport, available for all ages and a supremely healthy outdoor activity enjoyed by 2.4 million people each year (BETA national survey 1999). As roads got busier there was a need for off-road riding. She complimented Devon County Council on commissioning work into multi-use.

The Leisure Industries Research Centre Report into multi-use highlighted the inaccuracy of earlier BHS parish data on Devon which estimated some 16,000 riders in the County. This figure was based primarily on horse owners and the LIRC report suggested a figure of up to 34,000, using nationally published data, was more accurate as this included all riders. The importance of horse-riding to the County and to tourism may thus have been underestimated.

Since the 1990s equine tourism has taken off. The Mary Towneley Loop, a National Trail in Lancashire and West Yorkshire, produced a report in 2003 which showed spending by riders was greater than that of cyclists.

Stephanie showed a number of County publications on horse riding routes. The Ride UK scheme linked different areas for people interested in horse holidays and encouraged farmer diversification.

There were a variety of outside funding sources for horse riding routes and these in turn promoted spending in the local economy. Stephanie showed a map marking potential routes in the SW. She mentioned a number of long distance routes such as the Blackdown Hills (Leader Plus funding) and the Coleridge Way linking the Quantocks and Exmoor. She had been involved in a Jurassic Coast Heritage bid to provide an off-road riding route through Dorset and Devon which had proved more difficult to achieve in Devon.

Horse-riding provided big economic opportunities. The BHS publication 'B & B for Horses' was a bestseller and Stephanie cited one B & B which had received 400 riders in the past year. A new website www.equinetourism.co.uk had been set up to promote horse tourism.

Stephanie felt horse riders had done badly under rights of way legislation and the CRoW Act 2000 and she hoped the Rights of Way Improvement Plan and the Lost Ways Project would redress the balance and provide more opportunities.

The over-use of bridleways resulted from insufficient routes. On Exmoor out of the 20 rights of way, 19 were footpaths. A survey around Ilminster in 11 parishes showed 202 rights of way of which 196 were footpaths.

Getting horses off the roads was to everyone's advantage. Equine tourism covered and spread the season for tourism and horses were of more use to the disabled in accessing the countryside. The idea of conflict between users was a perception not a reality and she was pleased that the multi-use reports had come out in favour of multi-use. Organisations had a responsibility to encourage members to behave responsibly and the BHS published a code for riding and driving.

Unclassified County Roads were the County's best secret and made sense of the network. These should be maintained and made more useable for carriage drivers, many less able, who had fewer appropriate routes available to them.

Discussion points mentioned the hope that the equine tourism website linked in with South West Tourism and suggested that alternative and linked activities should be created for members of families and groups disinterested in riding.

Stephanie was thanked for her contribution.

10. Rights of Way Improvement Plan update

The update was taken at this point. Heidi Cruickshank, DCC, reported that she had looked at the consultation responses from Parish Councils, user groups and individuals in formulating the draft RoWIP. Approximately 900 responses had been received from members of the public, 200 from Parish Councils and 100 from user groups, an excellent response rate.

The Directorate Management Board of DCC had approved the draft RoWIP which would subsequently go to the Executive. The LAFs in Devon would be involved in launching the RoWIP in mid November and a working day would be held in December to look at the RoWIP and how LAFs might contribute to the consultation. Dates for these meetings would follow. Some additional publications, such as the Public Health White Paper and legislation on Mechanically Propelled Vehicles, due out during late 2004/early 2005, would inform the final document. The availability of horse passport data would give better information than currently available on horse riding numbers in Devon.

The EKOS report on horse tourism did not see much potential for attracting funding but DCC was looking at other mechanisms for funding horse-riding and would devote staff time to this.

Local Transport Plan objectives for air quality, congestion, road safety and accessibility would be identified where appropriate in the Rights of Way Improvement Plan. The RoWIP was also working with the School Travel Plan.

The RoWIP would seek to improve links to the Ridge route in Somerset. The RoWIP was opportunistic and there was a need to develop processes to deliver projects. The matrix, developed by the LAFs, was part of the procedure for developing priorities.

The Chairman thanked Heidi for all her hard work and wished her well in her new role as a Planning Inspector. He hoped she would be replaced quickly with someone as efficient and dedicated.

8. Provisional Maps and Open Access Appeals

John Skinner had presented a paper (Agenda item 8) on the appeal process. He reported that there were now just over 200 appeals and the 1st public hearing would be on 15 November at 11.00 a.m. at Exmoor National Park offices. It would appear that hearings were not necessarily local to the access site. There had been some mistakes on the website.

9. Implementation of Open Access

How Devon County Council implemented Open Access was key to the LAFs role. DCC had intimated in agenda paper 9 that funding was a key concern and there was an argument for

spending money on implementing other priorities, such as the existing rights of way network and RoWIP, rather than on Open Access. At some point the DCC Executive would make a decision on Open Access involvement.

There were concerns in DCC about the level of grant payable through the Access Management Grant Scheme. £1.50 per hectare was available to assess the sites and DCC had estimated a maximum grant of £7 - £10,000 in total might be available to carry out a site assessment and thorough review, deemed inadequate in view of the number of scattered sites. A considerable level of bureaucracy and detail was also anticipated under the scheme. The cost of implementing Open Access had to be weighed against other demands such as securing access improvements under the Rights of Way Improvement Plan and tackling the 10% of rights of way not currently usable. A report was unlikely to go to Executive before the New Year. A meeting was being held shortly with the Countryside Agency to discuss the details of the scheme.

Most of the freestanding sites have been appealed against and DCC would not know the extent of Open Access land until the outcome of these appeals was known. DCC reported that Cheshire and Kent were not committing themselves to the AMG scheme at this stage and Hampshire and Dorset were prioritising sites. The Countryside Agency was keen for the SW to be involved.

The paper prepared by DCC was very useful in keeping the LAF informed. Although it was felt DCC should implement the Open Access policy as a lot of public money had been spent on the process, the LAF felt no decision should be made until it had had an opportunity to formulate its views and advise the County accordingly.

It was agreed the Secretary should write to a number of Counties asking about the Access Management Grant scheme process and why they did or did not apply.

It was agreed the Secretary should write to the Countryside Agency expressing concern about the level of grant as Devon had a potentially large number of scattered sites.

It was agreed the workshop planned for 10 January should move to 10 December to address this particular issue and formulate advice to give to DCC.

11. Leisure Industries Research Report on Multi-Use and EKOS Bridleways study. Research commissioned by Devon County Council (agenda paper 10).

It was felt the EKOS bridleways study had not looked sufficiently at short breaks and the local market. DCC emphasised that the study was commissioned in the context of a potential Objective 2 bid and it was felt this would not be successful, but other funding opportunities could be looked at through the RoWIP process. Some smaller riding stables had been affected by costs of health and safety and insurance. Farm based horse activities operated under different business rates and grant opportunities to other horse riding establishments. **It was agreed to have further discussion on the multi-use report at the next meeting.**

12. Any other business

Cllr David Morrish, Environment Portfolio holder addressed members. He emphasised that a well-managed and maintained highway network was essential to the economy and DCC was

committed to rolling back the problem of poorly maintained roads. Part of the increase in Council Tax was to plug the gap resulting from a reduction in central Government funding.

He spoke on the role of the LAF to provide independent advice. This gave the forum a strong position but the right advice needed to be given at the right time. The LAF should give its views to the Local Transport Plan providing hard case evidence and stating what it hoped to achieve in terms of its wider objectives. In this context the LAF should be involved in the second LTP hearings and be included in the LTP submission.

Mr Morrish noted the inclusion of water access issues in the letter from Alun Michael to all access forums and welcomed this.

Mr Morrish was thanked for attending the meeting and for his contribution.

The next public meeting would be on Friday, 4 February at 10.00 a.m.