

ITEM 3

EXMOOR LOCAL ACCESS FORUM

MINUTES of a meeting of the Exmoor Local Access Forum held on Wednesday, 29 June 2005 at 6 pm in Winsford Village Hall.

PRESENT

Jeremy Holtom (Chairman)

Chris Binnie
Bill Butcher
Stephen Crossman
Jeff Cox
Kait Ellis
Maria Floyd

Jason Hooper
Joan Long
Rob Manicom
Joe Tucker
Duncan Waller

National Park Authority staff in attendance

Martin Palmer, Secretary to the Local Access Forum
Paul Hawkins, Recreation Manager
James Maben, Access Officer
Ione Willcock, Area Ranger (Devon side)
Patrick Watts Mabbott, Assistant Ranger

Apologies for Absence: John Edwards, Bill Geen and Michael Pulvermacher (Vice-Chairman).

22. Membership

Joe Tucker, who had replaced John Dyke as one of the two National Park Authority members on the Forum, was welcomed to his first meeting. In particular, it was noted that Joe was also Chairman of Devon County Council's Rights of Way Committee and, as result of that position, also a member of the Devon Local Access Forum.

23. Declarations of Interest

Jason Hooper and Duncan Waller declared personal interests as off road users concerning vehicle monitoring data from RUPPs (Roads Used as Public Paths) within the National Park (Minute 28 below).

Chris Binnie declared a personal interest in the item on the dangers of having to ride on a road (Minute 25 below), which he had raised and also affected him as Chairman of the West Somerset Bridleways Association and a horse rider.

(See also Minutes 26 (declarations from Joan Long and Jeremy Holtom) and 28 (declarations from Jeremy Holtom and Joe Tucker) below).

Minutes

(1) Confirmation

The Minutes of the meeting of the Forum held on 20 April 2005 were signed as a correct record, subject to the date of that meeting at the top of each page being amended to "20 April 2005" from "20 April 2004".

(2) Matter Arising – Minute 16, Annual Report 2004/05

The Secretary reported that the Annual Report had been taken to the meeting of the National Park Authority on 7 June 2005 which, as appointing authority, had agreed its wide publication as a 'stand alone' document. A more glossy publication was proposed for this year's report, which would be produced by a firm of private printers.

24. Site Visit to Putham Lane RUPP (Road used as Public Path), Cutcombe

Prior to this meeting, the Forum had held an informal site visit to Putham Lane RUPP, Cutcombe to see the improvements undertaken, following the route being severely degraded as a result of intensive use by motorised vehicles. The improvements had sought to repair the surface to a standard whereby it was capable of being used by all users and so that any further damage from motorised use was minimised. The purpose of this item was to permit members to feedback on what they had seen.

The following comments were made:-

- Since the repairs, the amount of traffic on Putham Lane had not noticeably increased or decreased. Vehicle counts had been carried out between 16 January and 24 March 2004 and 30 March to 1 June 2005. In 2004, when the figures were averaged out they showed 12.5 vehicles per day, peaking at 251 at the weekends and 22 Monday to Friday. In 2005, the figures averaged were 11.8 vehicles per day. Overall there had been little change in the vehicle numbers using the Lane and the same trends applied to both weekdays and weekends.
- Water erosion on Popery Lane had taken it down to the bedrock and possible solutions for the surface were being considered by the National Park Authority to enable all users to safely use it again, including how an improved system of drainage might be achieved. Patrick Watts-Mabbott's preferred solution was for one side of the Lane to be raised to be available for users and the existing track to be used for drainage. Popery Lane formed part of the new Coleridge Way published route for walkers, which would also be publicised for horse riders once the entire route had been designated to bridleway status.
- The improvements to Putham Lane meant that it was easier to use by horse riders, although some of those attending the meeting, particularly Michaela Beckett (member of the public) remained concerned about its state and the continued impact of motorised vehicles. She said that there were still dangerous stretches and banks were continually being eroded causing damage to hedges and trees, and there was a real danger the banks would fall into the Lane. The National Park Authority was, however, to provide some stone facing to secure banks. Michaela Beckett asked whether it would be possible to restrict motorised vehicle use of the Lane for part of the weekends to permit a quiet period for horse riders and walkers to use it. In response, James Maben said that the ultimate restriction to manage vehicles on the Lane would be a Traffic Regulation Order (TRO) but, before that could be considered, all other avenues of seeking voluntary

restraint needed to be tried first. One suggestion was asking vehicle users not to use the Lane before mid-day but, whilst voluntary restraint might be achievable with organised groups, it would be more difficult to target those not belonging to those groups and getting the message across about separate periods through publicity was likely to be difficult. Another member of the public from Wheddon Cross asked for the safety issues for horse riders using the Lane to be addressed more adequately.

- Another suggestion was separating the types of user on Putham Lane through the provision of an alternative route for horse riders, walkers etc. It could be open at times when intensive use of the Lane by motorised vehicles was expected, when the existing Lane was 'watered out', or possibly all of the time. However, the consent of landowners would be necessary to provide the route. There would also be engineering issues to consider and a significant cost could be involved. Even with an alternative route, if it was close to the existing Lane, horses could still be disturbed by motor vehicles. It was also pointed out that other RUPPs faced similar problems, but there was a particular problem at weekends on Putham Lane.
- Most of Putham Lane was too narrow to enable vehicles to pass and there were currently few passing places to assist their passage, which meant vehicles having to reverse long distances. There were also no refuges to assist other users. A possibility might be motor vehicles going one way, with other users travelling in both directions, using a TRO, but it was not possible to increase the width or slot in passing places, as it would alter the character of the Lane.

Prior to visiting Putham and Kersham Lanes, the Forum had examined the Access Information Board provided in Wheddon Cross. So far, 8 boards had been installed across the National Park and it had been hoped to expand this to every interested parish in the National Park; with the proposal being included in the Rights of Way Improvement Plan and it was hoped to secure funding from Somerset and Devon County Councils. It was also intended that there would be an identified person in each parish to keep the information up to date. The Boards would also include details of access closures and, with the consent of landowners, it was planned for permitted paths and bridleways to be included.

RESOLVED: (1) to ask the National Park Authority to produce an Action Plan/Protocol to identify the problems on all of the RUPPs in the same situation as Putham Lane and how they may be addressed for the benefit of all users, including investigation of the practicalities of providing safe alternative routes for non-motorised users;

(2) to support the National Park Authority's proposals to tackle the problems of Kersham Lane and to hope that a scheme may be implemented in the near future; and

(3) to support Access information Boards being provided for every parish across the National Park.

25. **Dangers of Having to Ride on a Road**

Chris Binnie had asked for this item to be considered. He said that, as demonstrated by a recent article in the West Somerset Free Press (attached to the agenda papers), there were inherent dangers for horse riders in mixing with traffic. The particular incident had resulted in the horse having to be put down as the result of its injuries and the rider was so badly injured that she would be in a wheelchair for the rest of her life. Chris said that what this showed was the need for horse riders to have as much off road riding as possible, with new bridle ways being developed through the Rights of Way Improvement Plan (RoWIP) Chapter

for the National Park. A photograph of another incident involving a horse and car was circulated (the horse had been killed).

Joan Long commented that, in addition to the RoWIP identifying new routes, the lost highways initiative might bring forward other possibilities.

James Maben said that the RoWIP Chapter identified 170 to 180 physical improvements to the rights of way network which would benefit both users and the general public. Later in the year, there would be the need to prioritise routes, work on them and negotiate new routes with landowners.

It was suggested that forward warning signs of busy roads were needed for horse riders on bridle ways. In response, members and the public were asked to pass any suggestions to the National Park Authority's Recreation officers or the Rangers, who would pass them on to the highway authorities.

It was also noted that the Royal Society for the Prevention of Accidents had produced a useful leaflet on this topic, but the Society wanted £500 to £600 to supply copies for the National Parks (Visitor) Centres, which was prohibitive. It was hoped that the National Park Authority may be able to produce its own leaflet along similar lines.

26. **Diversion Orders**

Joan Long declared personal interests in respect of footpath diversions at Croscombe Barton, Martinhoe and Hewitts Hotel, Lynton, as a member of the Rambler's Association (North Devon). She had been advised by the Secretary prior to the meeting that these two items would be discussed under this item.

In the absence of Alison Kent (the National Park Authority's Senior Ranger), James Maben updated the Forum on the following diversions:-

- Chidgley Farm, Old Cleeve – Public Inquiry into the footpath diversion held on 17 May 2005; the Inspector's report and recommendations were awaited, which normally was made available within 3 months of an inquiry.
- Higher Blackland, Withypool – the objection from the local correspondent of the Open Spaces Society to the footpath diversion was being dealt with through the written representations procedure.
- West Mill, Luckwell Bridge, Cutcombe – the bridleway diversion was being kept on hold until the issues in respect of the above footpath diversions were resolved.
- Middle Eastcott, Withiel Florey, Brompton Regis – legal Dedication documents were being finalised for the new footpath. Following this, Somerset County Council would apply to stop up the existing footpath, which was considered expedient.
- Two Moors Way, Glen Lyn, Lynmouth – one consultee had raised concern about part of the proposed route during the informal paper consultation. Alison Kent was trying to find a reasonable compromise that could be agreed between the applicant and the objector.
- Bridleway Diversion at Killerton, Parracombe – the landowner was prepared to allow a permitted bridleway to run parallel to the old Lynton and Barnstaple railway and would dedicate it formally as a public bridleway through payment from the Environmentally Sensitive Area (ESA) scheme at the end of his 8 year agreement. Until the end of the 8

year period, the permitted route would co-exist with the existing legal line of the public bridle way remaining in place. Jeremy Holtom declared a personal interest regarding the railway bridge.

- Timberscombe Common – the definitive lines of the bridleways which had Section 63 notices served upon them had now been opened up for public use.

Ione Willcock gave an update on footpath diversions at Croscombe Barton, Martinhoe and Hewitts Hotel, Lynton:-

- Croscombe Barton – there were currently two routes available to the public, the definitive path and an alternative permitted path avoiding the farmyard. Both routes had been in existence for many years; however the definitive path had always had difficult access issues due to the nature of the terrain. There was a difficult stretch behind the farmhouse, where there was a cliff face (old quarry?) shown on maps dating back to the late 1880's. The definitive map showed the line of the path to follow straight up the vertical cliff face, which was clearly impossible to walk. Nevertheless, walkers had been able to walk around the cliff face to rejoin the line further up the field slope. In recent times this access had been blocked, but the National Park Authority had successfully cleared the obstructions and installed a new gate, posts and rails behind the farmhouse. Fresh yellow waymarks and waymarker posts on the definitive line had also been added, in addition to refurbishing existing gates and fingerposts. Devon County Council had said that walkers were entitled "to take the nearest convenient route" around an impassable obstruction. They were satisfied in this case that the public could walk around the side of the cliff face to rejoin the definitive line. This was in addition to the permitted path alternative avoiding the farmhouse area altogether.

Joan Long welcomed the work undertaken, but felt that it would be preferable for a definitive map modification to be made, suggesting that the Ramblers' Association could approach Devon County Council or the National Park Authority with a proposal. In response, Ione said that a diversion might be possible to achieve if it was wholly in the public interest, which might not necessarily require the landowner to give his consent to the chosen alternative route. However, it would be preferable if the landowner could actively take part in selecting an alternative route. Although Ione had been in contact with him, she had not received clear responses. She added that Devon County Council had advised that the Authority had to work to the definitive line shown on the Definitive Map, even though there were doubts as to its accuracy, given the historic cliff face.

- Hewitts Hotel - Currently the route of the definitive line passed through Hewitts private terraced gardens, and ended abruptly above the cliff fall that occurred many years ago, losing the bottom third of the path. The first two thirds of the path were perfectly useable, but the path was now effectively a cul-de-sac as walkers were unable to get down to the Esplanade Car Park. The hotel owner had expressed a wish for a diversion, as the existing route was inconvenient for the hotel. In 2000 site visits and negotiations with the landowner (Hewitts Hotel) were held, which resulted in the proposed diversion away from the gardens to an alternative route further along North Walk, also on his land. Subsequently, a new agreed route was identified using mostly existing Victorian terraced paths (needing clearing), and some path creation.

Work could not be carried out until after the Foot & Mouth outbreak of 2001 and the subsequent backlog of rights of way maintenance to the rest of the path network. However, following the successful completion of the agreed alternative route linking Lynton's North Walk with Lynmouth Esplanade car park, little progress had been made to open the new route. Disagreements between the hotel owner and local people on

unrelated issues resulted in a refusal to open the agreed and completed path to the public. Since then, the landowner had cut his own short cut off the agreed path, removing the most scenic, open and level part of the agreed path. The whole of the proposed alternative route was more commodious and attractive, with open views of the sea and Welsh coastline before passing through woodland to Lynmouth below. However, the hotel owner's handyman had created a steep short cut, which removed the public from using a flat, wide, level and open stretch of path with fine views over the sea. This part of the agreed route already had extensive stone-worked revetement supporting the sides, dating back to the Victorian era. The short cut was considered less safe and less commodious and was not agreed. Following further site visits and discussions, the hotel owner asked for the Authority's Solicitor to put in writing the Authority's concerns. It was made clear that either the existing definitive line must remain open, useable and unobstructed at all times, or the agreed alternative must be opened in its place, on the agreed route. However, no responses to any of the Solicitor's letters had been received by the Authority.

It was thought that the hotel owner might be more responsive to a fresh outlook from the Forum if a site visit was held, to investigate the two paths. It was acknowledged, that without his consent, members would not be able to walk the alternative route proposed.

RESOLVED: to hold a site visit as proposed, with Ione Willcock being asked to try and negotiate a date and time with the hotel owner (if the latter proved impossible, the Forum would in any case proceed with visiting the definitive path).

27. **Access for Less Privileged People**

Kait Ellis had requested this item. Through her work for North Devon College she came into contact with many people from a range of deprived backgrounds who would benefit from being able to visit the National Park. A particular problem was the lack of public transport and the prohibitive costs of organising private transport. Prior to this meeting, she had spoken to Phil Cookson, the National Park Authority's Sustainable Development Officer, and proposed to make an application to the Sustainable Development Fund, administered by the Authority, to seek funding to transport deprived young people from the North Devon area to Exmoor and to enable them to gain an understanding and appreciation of the qualities of the area and what it has to offer.

RESOLVED: to support Kait Ellis's application to the National Park Authority's Sustainable Development Fund.

28. **Consultation on Long-Term Proposal by Exmoor National Park Authority to Restrict Open Access Rights under the Countryside and Rights of Way Act 2000 – Metcombe, Weirwater Valley**

James Maben explained that the Metcombe Shoot was a small parcel of land, with a public house at the northern end and a car park and bridleway near the southern end. The use of the bridleway was not affected by the shoot, but it was felt by the National Park Authority's officers that open access across the shoot land would cause disturbance to the game birds, shooting and, therefore, the business (a restriction to prevent access on the site from the end of August 2005 to the beginning of February was already in place). A summary of the public consultation was attached to the Forum's meeting agenda, which set out why restriction was considered necessary pre-season, on shooting days and on non-shooting days and also covered public safety issues.

Reference was also made to Challacombe Shoot who had wished to close the access land from July to November (less than six months duration) on two separate sites used for shooting. One proposal had been rejected as it was considered public access was possible

without interference to the shooting activities but the other site would be closed to the public between August and November 2005. Both Jeremy Holtom and Joe Tucker declared personal interests in that they had involvement with the shoot.

There was a series of questions in the consultation which the Forum was asked to respond to. Members were supportive of access restrictions to the land to avoid disturbance to the game birds, but there was questioning of whether it was completely necessary outside the shooting period.

RESOLVED: to agree the following response to the consultation:-

Question 1 – Is it necessary to restrict CROW access for the reason(s) given in the proposed direction?

Response: Yes, but monitor.

Question 2 – Have we correctly identified the area of land where restriction is necessary for this purpose?

Response: Yes.

Question 3 – Have we correctly identified the period during which restriction is necessary for this purpose?

Response: The Local Access Forum questions whether total exclusion is required pre-season. Further investigation is considered necessary into whether dogs only could be excluded at this time. However, it is accepted that it will be necessary to exclude both people and dogs during the period of shooting.

Question 4 – Have we correctly identified the minimum form of restriction that is necessary for this purpose?

Response: Further investigation is required into whether access for people could be allowed in the release period, with dogs being excluded.

Question 5 – Have we correctly identified the conditions that should apply to this direction to ensure that it imposes?

Response: Not applicable – no conditions identified.

Question 6 – Any other comments on direction

Response: Before determining the application, monitoring should take place during the open season to assess the level of usage by people and dogs and also the amount of use of the car park near the southern end of the shoot and public house at the northern end.

29. **Vehicle Monitoring Data from RUPPs (Roads Used as Public Paths) within the National Park**

Paul Hawkins circulated data on the latest results from the monitoring of vehicle use on RUPPs, including details of the damage and erosion being caused. The data was gradually building up a picture of what was occurring and further information would be supplied to the Forum at forthcoming meetings. Interestingly, Saturdays appeared to be the peak day for vehicular activity and not Sundays, as had originally been thought.

The work of volunteers in providing information had proven to be invaluable and Paul would be passing his thanks to them.

30. **Annual Work Programme**

RESOLVED: to agree the Forum's Annual Work Programme for the period to June 2006 as set out in the agenda papers for this meeting, subject to the addition of consideration of the Action Plan/Protocol for dealing with conflicts on RUPPs (see Minute 24 above).

31. **South West Local Access Forums – Questionnaire on Training Needs**

RESOLVED: to endorse the response of the Secretary to the Questionnaire on Training Needs for the Forum, which had been circulated to all the South West Local Access Forums by Hilary Winter, who had been appointed by the Countryside Agency to be the co-ordinator of the region's Local Access Forums.

32. **Exmoor Local Access Forum Logo**

Further to Minute 19 of the last meeting, some potential Forum logos were circulated. The feeling of members was that something more distinctive was required and it was **RESOLVED** to ask the Secretary to liaise with the National Park Authority's Education Officer, Dave Gurnett to organise a competition amongst the National Park's schools to provide a suitable logo for the Forum.

33. **Date of Next Meeting(s) and Agenda Items**

RESOLVED: (1) to confirm that the next meeting will be held on Wednesday, 7 September 2005 at Exmoor House, Dulverton when a main item will be a presentation from Tamsin Phipps, Rivers Access Campaign (British Canoe Union) on achieving greater access to rivers for canoes and other smaller craft (The National Park Authority's Recreation officers to also provide a written report on the present position within the National Park); and

(2) that the Forum's subsequent meeting be provisionally set for either 9 or 16 November 2005 at 6 pm (depending on meeting room availability at Exmoor House, Dulverton), with an invitation being sent to Hugh Thomas, Chairman of GESA (Greater Exmoor Shooting Association) to attend to give his views on the position of shooting vis-à-vis access (the invitation to be forwarded once the meeting date has been confirmed by the Forum in September).

(The meeting closed at 8.06 pm)

Chairman