

ITEM 4

EXMOOR LOCAL ACCESS FORUM

MINUTES of a meeting of the Exmoor Local Access Forum held on Wednesday, 9 August 2006 at 6 pm in Selworthy Parish Hall, Allerford.

PRESENT

Jeremy Holtom (Chairman)

Chris Binnie
Simon Colley
Jeff Cox
Jason Hooper

Joan Long
Rob Manicom
Richard Peek
Duncan Waller

Members of the Public Present

Jim Ballance (organiser of 4x4 events)
Ian Barnard (Trail Riders' Fellowship)
David Giles (Clerk to Wootton Courtenay Parish Council)
Michael Hankin (Exmoor Society and Exmoor Natural History Society)
Pat O'Hanlon
Kevin O'Hanlon
Nigel Hester (National Trust – Holnicote Estate)
Jennie Jones (Clerk to Selworthy and Minehead Without Parish Council)
Sue Rose (West Somerset Bridleways' Association)
Barbara Wigley (West Somerset Bridleways' Association)
Richard Growden (Discovery Safaris)
A gentleman from Luccombe who did not sign the attendance book

National Park Authority staff in attendance

Martin Palmer (Secretary to the Local Access Forum)
Paul Hawkins (Recreation Manager)
James Maben (Access Officer)
David Lloyd (Team Leader – Woodlands and Moorland)
Alison Kent (Senior Ranger)

Apologies for Absence: Bill Butcher, Stephen Crossman, John Edwards, Maria Floyd, Robin Milton, Jean Ridge and Joe Tucker (Forum members) and Martin Evans (Head of Recreation and Tourism, National Park Authority) and also John Whitcutt (Solicitor and Monitoring Officer, National Park Authority).

17. Welcome

- Members of the public from the local parishes of Selworthy and Minehead Without, Luccombe and Wootton Courtenay, and also those from further afield, were welcomed to the meeting.
- All Forum members and officers present introduced themselves and the members gave a summary of their backgrounds and interests in respect of the Forum's work.

18. **Declarations of Interest**

The following direct personal interests were declared:-

Jason Hooper regarding Restricted Byways/former RUPPs – Roads Used as Public Paths, Minute 22 below, in view of his membership of the Trail Riders' Association. Also on the same item, Duncan Waller as a safari tour operator and Chris Binnie as Chairman of the West Somerset Bridleways' Association.

Jeremy Holtom in respect of the Commons Act 2006, Minute 24 below, as a member of the Commoners' Association and through his work in managing commons.

19. **Minutes**

(1) **Confirmation**

The Minutes of the Forum's meeting held on 31 May 2006 were signed as a correct record, subject to amendments to Minute 7, Access to Water, as follows:-

- Deletion of the reference to Bryan Martin being a riparian owner (page 4, second paragraph).
- On page 6, third paragraph from the bottom (third bullet point), the reference to the River Thames was amended to read – “(with the River Thames having navigation rights along its tidal section, many assumed that such rights applied elsewhere too).”

(2) **Matters Arising**

• **Minute 9 – Access Update from the National Park Authority**

Regarding public exclusion from the Challacombe Shoot (paragraph six), James Maben reported that, following discussion, a slightly less restrictive exclusion was to be applied (allowing public access up to and including 14 July). The arrangement would be similar to that at Metcombe and had been possible because of the nature of the site and access. The total exclusion would run from 15 July to 15 November each year, for the next six years.

• **Minute 10 (first bullet point) – Dangerous Road Surfaces**

An independent source had secured an assurance from Devon County Council that the two road surfaces at Trentishoe and Lynton, which were considered by horse riders to be dangerous to ride along, were to be re-textured. The Forum hoped that this would resolve the problem and be undertaken soon. The situation would be monitored and a Devon County Council member on the National Park Authority was to be asked to follow up the matter with Council officers.

• **Minute 10 (second bullet point) – Section 15 land (higher rights land)**

The issue of the incorrect mapping of this land on the ordnance survey map for Exmoor, and probably others, had been forwarded to the National Countryside Access Forum, and it was hoped that it would be included on the autumn meeting agenda.

20. **Meet the Community**

The comment from those present was that the local rights of way network was generally working well and, for the most part, was well used. It was also noted that no concerns had been raised about the new open access land. There were, however, some anomalies in relation to existing bridleways, which needed to be addressed. Alison Kent said that the National Park Authority was drawing up a list of all of the rights of way anomalies across the National Park, which would be completed by the end of December 2006 and a priority list for tackling them was to be established.

The Forum had previously been informed of the Exmoor Moorland Initiative, which embraced a wide range of projects, initiatives and actions to improve the state of Exmoor's moorlands and David Lloyd attended this meeting to seek the support and involvement of the Forum and the local communities represented for the project's further development and securing funding of £1m from the Heritage Lottery Fund (HLF) for a Landscape Partnership Scheme. The National Park Authority would be holding a series of meetings over the coming months to enlist the support of other communities and organisations and also the landowners/managers of the key moorland units, which was crucial to obtaining the funding.

The project would identify a programme of moorland projects for 3 to 4 years, involving both public and privately owned land and engaging a wide range of partners, and it had to concentrate on four main priorities to secure the necessary funding:-

- Conserving or restoring the built and natural features that create the historic character of the landscape.
- Conserving and celebrating the cultural associations and activities of the landscape area.
- Encouraging more people to access, learn about, become involved in and make decisions on their landscape heritage.
- Improving understanding of local craft and other skills by providing training opportunities.

One project, in particular, was to try to re-establish the lost 'Moorlands of the Brendons'. It would be expensive, but there were many opportunities. A trial project of what might be possible was being undertaken on National Park Authority owned land at Haddon Hill, where heather growth was being encouraged on former conifer plantation land.

HLF funding of £50,000 for a Project Planning Grant was enabling the bid to be prepared and consultants were to be appointed shortly to assist National Park Authority staff in preparing plans and a strategy to take the project forward.

David Lloyd mentioned that there was more information about the Moorland Initiative on the National Park Authority's website – www.exmoor-nationalpark.gov.uk/moorlandinitiative and he would welcome any ideas or requests for meetings with any groups. It was also noted that there would be the annual meeting of the Moorland Forum on 19 October 2006 in the Moorland Hall at Wheddon Cross, which would enable discussion on the developing ideas. The draft bid needed to be finalised by Christmas 2006 and this would be followed by a further series of consultations, leading to the bid's submission by March 2007.

RESOLVED: to support the Moorland Initiative and to note that the Forum will have a significant role in advising on the access elements of the proposed Audience and Access Plans, with the opportunity to input at its next meeting.

21. **Proposed changes to the route of the South West Coast Path National Trail on Exmoor**

Further to Minutes 5 and 14 of the last meeting, Rob Manicom presented a report on his investigation of the suitability of the Culbone to Yenworthy Wood route (Proposal 3) and an amendment suggested by the South West Coast Path Association for an extension to the Minehead to North Hill route (Proposal 1) at Greenaleigh Farm.

In respect of Culbone to Yenworthy where the proposal was for the former route through the National Park Authority owned Culbone Woods to be used, concerns had been expressed at the Porlock meeting about its vulnerability to landslips and offering fewer scenic views of the coast and Bristol Channel. However, Rob Manicom felt that the route through the woods would be preferable. Whilst the situation regarding landslips needed to be kept under observation, he considered that the woods offered an easier walk (with walking uninterrupted by gates and steep climbs), providing wildness and the opportunity to see diverse wildlife. Nevertheless, this was on the basis that the existing path past the B&B at Silcombe Farm continued to be well signed and the route was promoted as an alternative in any South West Coast Path publications. The meeting was assured that the existing route would still be available by virtue of most of it running along an unclassified county road, with the remainder being footpath, bridleway and permitted path. Also, Alison Kent mentioned that regular monitoring of earth movements within Culbone Woods would take place.

Rob Manicom said that, while he largely supported the proposed new route from Minehead to North Hill, he had serious reservations about the proposed extension which would involve considerable earth works that would be too damaging to the natural environment. It was noted that Dr and Mrs Slade at Greenaleigh Farm were aware of the proposals and had been consulted. They were in favour of an agreement to secure a separate path away from their garden.

Mark Owen from the South West Coast Path Team was not present to update the meeting on the three proposals; the other one being Bossington to Porlock Weir (Proposal 2). However, Martin Palmer said that he understood some fairly elaborate interpretation boards were being proposed for the Porlock Marsh area (part of Proposal 2) which were likely to be costly. He had sought further clarification from a leading member of Porlock Parish Council as to what they wished to see, who confirmed the Parish Council's desire to see simple signing in the area, with a couple of signs in either direction on the Coast Path to alert walkers to the potential dangers at Porlock Marsh from flooding by the sea and an indication of the times of year it was likely to occur. The Council also wanted the current misleading signs leading to the Coast Path identifying it as 'Foot Path' changed.

(NB. Subsequent to the meeting, Mark Owen had indicated a need for new interpretation boards concerning the wildlife that the new habitats were attracting, particularly to encourage improved dog behaviour, but this would be an addition and should not hold up the signing requested).

RESOLVED: to support Rob Manicom's conclusions on Proposals 1 and 3 and to inform the South West Coast Path Team accordingly, but to also ask for consideration to be given to the possibility of a circular route on the section from Culbone to Yenworthy, linking to County Gate.

22. **Restricted Byways (Former RUPPs – Roads Used as Public Paths)**

(1) **The Closure of the RUPPs – Effects on Tourism**

Further to Minute 9 of the last meeting, where an explanation had been given concerning the reclassification of the former RUPPs to Restricted Byways in the Somerset part of the National Park, the Forum considered a paper submitted by the

three Exmoor Safaris on the effects of the closure of the RUPPs to mechanically propelled vehicles (with certain exceptions) for tourism on Exmoor.

The meeting was advised that the three off road tour operators had taken approximately 4,000 visitors around the moor annually which brought significant economic benefits to the area. In particular, they had enabled the elderly, the handicapped, the less able and families with children to see the more remote and attractive parts of the National Park. It was also explained that the former RUPPs had comprised 40 miles of rights of way, compared to the total of 600 miles and so the percentage had been small. The safari operators had been content with this amount; although were former RUPPs to ultimately become Byways Open to All Traffic (BOATs), they would ideally like to see some linking of routes to create circuits. It was noted that many of the former RUPPs had been the subject of applications by various groups and individuals for Definitive Map Modification Orders to reclassify the routes as BOATs and most were made prior to the recent legislation taking effect, which meant they had been legally made and the evidence submitted would need to be considered and investigated by Somerset County Council. Those routes subsequently reclassified as BOATs could then be used by the safari vehicles once again. In the meantime, however, for the tour operators to continue to use any of the routes formerly at their disposal, they needed to seek the consents of landowners, but this was proving to be difficult, as there were many landowners involved and just one landowner refusal meant that a route could not be used. Richard Growden suggested that some farmers/landowners were concerned that, if they gave leeway for the safari vehicles to use Restricted Byways across their land, it would encourage others to use them too.

There was an added difficulty for the tour operators in that Somerset County Council had approximately an eight year backlog of applications for changes to the Definitive Map. There were proposals in the Somerset Rights of Way Improvement Plan to speed up the process and the safaris recommended the Forum to ask the County Council to hasten the process for considering the applications for reclassification of the former RUPPs on Exmoor to BOATs. In practical terms, however, the Forum felt that it would be unrealistic to expect all of the remaining 34 applications on the Restricted Byways to be dealt with in a short time (it was understood that the other 8 Restricted Byways within the National Park were applied for too late for upgrading to BOATs). It was, therefore, suggested that the focus should be on a limited number of routes. Chris Binnie said that he had investigated on the ordnance survey map which routes would be most beneficial to the safari operators and their patrons, and he had identified about 12. The safaris had also identified a similar number of those being most advantageous to them.

Chris Binnie also suggested that it would be preferable for the safaris to seek agreements on as many of the 12 or so routes as possible (particularly where they were in single ownership) because, if they were upgraded to BOATs, it would enable all mechanically propelled vehicles to use them and, on some routes, there had been significant conflicts with other users, disturbance to local residents and environmental effects. The gentleman from Luccombe cited problems from motorcyclists using the former RUPP at Stoney Street, where they left the route and travelled at excessive speeds through the village causing nuisance to residents and horse riders. However, it was noted that, on the route itself, horses could easily pass safari vehicles. Other problem routes were the three former RUPPs near Luckwell Bridge, where 4x4s had created difficulties for other users and local people both on the routes and on roads through communities. The Forum recognised that there were interests who would prefer the Restricted Byways to remain free of traffic to enable them to be used for quiet enjoyment.

The Forum was also aware that there were other interests who wished to be able to use the former RUPPs with motorised vehicles again and many of them had used the routes responsibly, such as members of the Trail Riders Fellowship (which had its own code of conduct), organised rallies and many individuals using 4x4s and trail bikes. There were also economic benefits from these users and Jim Ballance commented that an annual rally event he organised for two days each March potentially brought £20,000 to the Exmoor economy, which came from sponsorship, the use of B&Bs, catering and fuel. From the comments made by various interests, it was clear to the Forum that economic loss would be and already was occurring.

Some of the routes which the safari operators would like to continue to use were on National Trust land. Nigel Hester said that the Holnicote Estate office was talking to the National Trust's Head Office over issuing licences for the safari operators, but they were unable to do so at the moment. He added that, in the present circumstances, the local office would also be unable to permit the Lands End car rally to use Stoney Street. It was noted that the National Park Authority's Land Agent was dealing with requests made to the Authority.

Ultimately, the Forum felt that there was a balance to be struck to satisfy all interests, which the National Park Authority had been seeking to achieve on the RUPPs prior to the new legislation.

The Forum was informed that the Trail Riders Fellowship, in addition to the applications it had submitted for modification orders, was currently seeking to prove higher rights on some of the routes on Exmoor, which members of the Fellowship at the meeting said could not be supplanted by the new legislation. The Chairman suggested that the National Park Authority's Solicitor and Monitoring Officer needed to investigate this.

The issue of enforcing the current use of the Restricted Byways was also discussed. The National Park Authority had erected laminated signs to inform motorised users of the situation, but many had been removed and it was reported that unauthorised motorised use was taking place. Whilst some commented that they had not seen this use, National Park Authority officers confirmed that the electronic counters placed on some routes had shown no downturn in usage by motorised vehicles. Details on the level of use recorded by the counters since 2 May 2006, when the new legislation applied, would be brought to the Forum's next meeting. Paul Hawkins said that under the Road Traffic Act 1988 it was the role of the police to enforce the new legislation, as the National Park Authority did not have the necessary powers. It was also not possible for barriers to be erected to prevent vehicular use.

RESOLVED: to **recommend** the National Park Authority:-

- (i) to do whatever it can to encourage Somerset County Council to speed up the process for completing the Definitive Map Modification Orders on Restricted Byways within the National Park, where appropriate, so that permissions can be obtained for bona- fidi safari operators to have routes they can use; and
- (ii) in so doing, to recognise the significant economic benefits that both the safaris and organised rallies bring to the National Park.

(2) **Restricted Byways Consultation**

Paul Hawkins explained that, whatever the eventual outcome on the Restricted Byways might be, the National Park Authority was taking steps to achieve more effective management, with the intention that management plans would be prepared for all of them. In respect of those which became BOATs, the process would be assisted through the National Park Authority being given TRO (Traffic Regulation Order) powers from 2007. In the meantime, a consultation was to be undertaken to obtain information from individuals and organisations (particularly Parish Councils) on each route, including uses and for what purpose, and to elicit views on management. The proposed letter, form and information note had been circulated with the agenda papers. It was suggested that the most important aspects of the consultation should be highlighted.

RESOLVED: to support the proposed Restricted Byways consultation which was to start on 15 August 2006.

23. **Consultations**

- The Forum noted that, following concerns regionally about the length and number of consultations Local Access Forums were required to respond to, Defra had a Code of Practice on Consultation which highlighted the need for executive summaries.
- The Forum noted the responses sent in respect of the consultations on the Regional Spatial Strategy and the draft South West Coast Path Strategy 2006-2011.
- **Review of England Forest Strategy:** The Forum considered its response to the Defra consultation in respect of access, recreation and tourism.

RESOLVED: to forward the following:-

Q 18 - Do you agree that:

- *promoting public access to woodland should remain a national priority and*
- *improving public access to woodland is a matter for regional and local decision makers to consider where there is unsatisfied demand?*

Response: Agree

Q 19 - How should existing mechanisms to deliver public access be modified or, if new mechanisms are needed, what might they be?

Response: Existing schemes, such as Walkers Welcome from the Forestry Commission, should go further than just providing grants for landowners with woodland who welcome those on foot. Schemes should provide funding for horse riding, cycling and those with disabilities. Existing restrictions, where landowners' woodlands need to be within so many kilometres of conurbations and only one landowner within an area of 10km can receive grant, should be removed.

Q 20 - What could be done to improve social inclusion in woodland access and recreation?

Response: There should be a continuation of establishing links with organisations involved in promoting and securing access, especially bridging the gap between urban and country areas. A particular issue is the need for affordable and reliable transport to enable people from urban areas to access woodlands in the countryside.

Q 21 - Do you agree that provision of high quality facilities for public recreation in publicly and privately owned woodland is a national priority?

Response: Agree, but there is a preference for the high quality facilities to be made of natural materials and to concentrate on those of historical and cultural significance. Consideration also needs to be given to their long term maintenance, so that they do not degrade and become a visual intrusion.

- **The Countryside Agency's Consultation on 'Outdoors for All? Draft Diversity Action Plan'**: The Forum's consideration of this consultation involved a broad brush response, rather than commenting on all of the individual questions (although in relation to each statement relevant Question numbers are shown).

RESOLVED: to make the following comments:-

- A welcoming of access for all in the countryside, particularly in National Parks (Question 1).
- Affordable and reliable transport to enable people to access the countryside is a crucial issue, as is the need for information to be available before people visit rural areas, interpretation when they arrive, and transport and affordable accommodation during their stay (Questions 2 & 3).
- It is considered unrealistic to expect all footpaths and other paths to be easier to use for everyone with any kind of disability, but they should have some provision made for them (Question 6).
- It is not thought necessary for there to be meetings of groups to facilitate access to the countryside as this was covered by a myriad of websites (Question 7).

(NB. If members had any further comments, they were asked to individually respond to the Secretary before the deadline of 30 September 2006 for the submission to be made).

24. **Commons Act 2006**

Jeremy Holtom commented on the effects of this Act which recently received Royal Assent.

He said that the Act had some effect upon access to commons and land management on Exmoor, but the opportunity to sort out difficulties concerning registration, designation etc had been missed. It had also been hoped that anomalies concerning commons, such as the ability of the public to drive their vehicles 15 yards off the highway, would be removed, but no action had been taken.

The Act had, however, removed Section 68 of the Countryside and Rights of Way 2000, which was put in place to enable householders who needed to access their properties over commons or greens to register their vehicular rights. The opportunity to do this was now closed which meant that anyone who had not sought to register their rights was likely to have to pay the landowner for the privilege of driving over the land from now on.

25. **Diversion Orders**

Alison Kent updated the meeting on the following legal events:-

- **Middle Eastcott, Brompton Regis** – Dedication of footpath being completed.
- **Part of the Two Moors Way at Glen Lyn, Lynton** – Diversion Order advertised and on site from 28 June 2006 for eight weeks. The Order would be confirmed if no objections were made to Devon County Council.
- **Footpath No. 42 Hewitt's Hotel, Lynton** – The National Park Authority's Solicitor had drawn up an agreement for diverting the existing footpath. The hotel owner would be asked to sign the agreement and at the same time agree costs. Once this had been completed, an informal consultation would commence.
- **Bridicott Farm, Carhampton** – A request had been made for a footpath diversion away from the working farmyard, but the initial informal consultation had raised difficulties. Carhampton Parish Council and the West Somerset Ramblers' Association were supportive but the Open Spaces Society had raised concerns. It had, therefore, been agreed between the National Park Authority and the landowner that a permitted path along the proposed diversion route would be opened and, if it proved to be satisfactory to users, a Diversion Order would be sought in the foreseeable future.
- **Glenthorne in parishes of Countisbury and Oare** – Dedication now completed. The path down to the foreshore was now a public footpath.
- **Crockpits, part of the South West Coast Path** – Footpath dedication being sought.

26. **Work Programme 2005/06**

The Forum reviewed the implementation of the 2005/06 Work Programme, which had been circulated with the agenda papers, and **RESOLVED** to continue to support those parts of the Work Programme still relevant and to agree that the 'meet the community' events will be the key feature of the coming year's work programme, with the aim of retaining and improving access for all on Exmoor.

27. **Annual Report 2005/06**

The Forum considered the content of the initial Annual Report for 2005/06. It would be updated to include items considered at this meeting and members would receive a further draft for comment prior to its being presented to the National Park Authority on 5 September 2006.

Members specific attention was drawn to the progress on earlier Consultations that the Forum had responded to. The only proposals implemented so far were in relation to the Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005, where all of the Forum's response had been taken account of, with the exception of National Park Authorities not having been given byelaw making powers, but Defra was to review this at a later date.

RESOLVED: to approve the initial draft of the Annual Report 2005/06.

28. **Date of the Next Meeting and Agenda Items**

The Forum was advised that English Nature wished to enlist its support to help resolve some access issues on West Anstey Common at the next meeting. The meeting would also receive updates on the former RUPPs/Restricted Byways and safari operators issue and the Coast Path/Porlock Parish issues. Also, reports were requested from Martin Evans, the National Park Authority's Head of Recreation and Tourism, on tourism on Exmoor and what visitors were looking for in terms of access and recreation and from Paul Hawkins on military access and activity on Exmoor. If members had any other items, they were asked to let the Secretary know.

RESOLVED: that the next meeting be held on **Wednesday, 25 October 2006 at 6pm** in the West Anstey/Sandyway area.

The meeting closed at 8.30 pm

Chairman