

Planning Consultation (DPD)

From: Hilary Winter [REDACTED]
Sent: 30 November 2021 11:41
To: Planning Consultation (DPD)
Subject: Crediton Neighbourhood Plan
Attachments: DCAF Neighbourhood Plans position statement rev. 2020 FINAL.pdf; Disability Access Position Statement rev. 2021 FINAL.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam

Crediton Neighbourhood Plan

On behalf of the Devon Countryside Access Forum, I am submitting the Forum's position statements on Neighbourhood Plans and Disability Access in response to the above consultation. The Forum advises that these should be taken into account in developing the Plan.

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CROW Act). Its statutory remit is to give independent advice "as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area..." Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice, and this includes district, town and parish councils. The DCAF currently has fifteen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

I should be grateful if you could acknowledge receipt.

Yours faithfully

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I work part-time, usually on Monday morning, Tuesday morning and Wednesday mornings. Times may vary.



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NEIGHBOURHOOD PLANS

Thinking about recreation and access

The Devon Countryside Access Forum is a statutory forum under the Countryside and Rights of Way Act 2000. Its members are volunteers appointed by Devon County Council to provide independent advice on “the improvement of public access to land for the purposes of open-air recreation and enjoyment.” The members represent the interests of land managers, access users and other interests such as tourism.

The Localism Act 2011 provides the opportunity for communities to draw up a Neighbourhood Plan and have more say in where development is located, subject to certain limitations. Plans need to support the strategic development needs set out in the Local Plan (district/borough council) and to plan for local development in a positive manner.

Looking at the provision of public rights of way and green space is an important part of each Plan as these offer opportunities for people to exercise and gain health benefits.

Checklist

What's there already?

- Map **public** green space areas within the Plan area (including woods, parks, playing fields, public rights of way and cycle/multi-use trails);
- recognise the importance of areas shown on the map and protect them, where possible, from development;
- recognise other routes, such as Unclassified Unsurfaced County Roads, and their contribution to recreational opportunities; and
- consider designating important and special open areas as Local Green Space, in consultation with the district council. [Open space, sports and recreation facilities, public rights of way and local green space - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/topics/open-space-sports-and-recreation)

Improving what's there - be aspirational but ensure your proposals are realistic and achievable.

Don't forget you are dealing with land that is owned by someone, whether that's a farmer or another individual/body. Consult closely with them at an early stage. Some improvements require permission or need to go through a legal process.

- Consider the improvement or upgrading of routes, for example
 - improving the surface to allow all year round use;
 - designing new routes to the requirements of those with mobility needs, and in the improvement of existing routes;
 - upgrading to permit horse riding or cycle use.
- use the 10 Steps Guide, produced by Devon County Council, to achieve neighbourhood improvements; [Community Paths - a 10 step guide](#)

- look at Devon County Council's Rights of Way Improvement Plan to give you some ideas; [Rights of Way Improvement Plan and policy - Public Rights of Way \(devon.gov.uk\)](https://www.devon.gov.uk/roads-and-transport/roads-and-transport/roads-and-transport/rights-of-way-improvement-plan-and-policy)
- consider creating off-road routes to the school or other facilities to reduce car use;
- seek to develop important linking routes on a permissive basis, in agreement with landowners;
- try to find circular routes to encourage healthier lifestyles and minimise car use;
- seek to secure the safety for rights of way users where routes meet or run alongside busy or dangerous roads.

New development areas

- check new development proposals include safe and high quality provision for cycling and walking routes linking housing to schools, shops, employment areas, recreational and sports facilities and rights of way/greenspace;
- seek to ensure sufficient areas of greenspace;
- consider better provision for dog walkers to discourage fouling of other areas.

[planningfordogownership.pdf \(hants.gov.uk\)](https://www.hants.gov.uk/planningfordogownership.pdf)

Funding

- new housing developments within the neighbourhood will be subject to payment of a Community Infrastructure Levy. Communities with a Neighbourhood Plan receive 25% of the Community Infrastructure Levy. Discuss opportunities for using this money for rights of way and greenspace improvements with the District Council and any developer.
- investigate local trusts and other grant awarding bodies such as companies which distribute landfill tax to community projects or have their own community fund.

[Directory of Social Change - The Complete Fundraising Handbook \(dsc.org.uk\)](https://www.dsc.org.uk/) (available in libraries).

Legislative Framework – brief notes

Proposals for new or improved public rights of way will need to go through a legal process unless they are modest changes, such as replacing stiles with gates (in which case the landowner must give consent).

There are a number of processes and Acts that may impact on public rights of way proposals in the Neighbourhood Plan but the most important ones are below:

- a permissive agreement for a route, agreed with the landowner.
- an agreement between the landowner and the Parish Council (Highways Act, section 30). A footpath or bridleway could be added to the Definitive Map through this process and is the quickest way to create a legal route beneficial to the community.
- Creation Agreements between the landowner and Devon County Council under the Highways Act 1980, section 25.
- applications can be submitted to Devon County Council to add an unrecorded route to the Definitive Map (the legal record of public rights of way) or upgrade it, for example from a footpath to bridleway, under Schedule 14 of the Wildlife and Countryside Act 1981. Applications are based on evidence that such rights exist.
- Section 257 of the Town and Country Planning Act 1990 gives local planning authorities the power to extinguish or divert footpaths, bridleways or restricted byways where necessary to enable a development to proceed.

[Rights of way circular \(1/09\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/rights-of-way-circular-109)

It's a complex area so please consult with the Public Rights of Way section at Devon County Council to discuss the best options for your community proposals.

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Devon Countryside Access Forum

Physical Disability Access Position Statement

The Devon Countryside Access Forum recognises that everyone, whether residents or visitors, should be able to enjoy recreation in Devon's natural environment.

The issue

This Position Statement sets out recommendations for improving access to the countryside for people with limited mobility, including on Public Rights of Way and cycle/multi-use trails, and points readers to more detailed information.

Although this Statement focuses particularly on physical disabilities, it is worth noting that limited mobility affects a range of people, including parents with children in buggies; elderly or frail people, who might use an electric mobility scooter or wheelchair; and people with walking aids. Improving access for wheelchairs and large off-road electric mobility scooters can improve access for all.

Research shows that people with limited mobility are less likely to say they can access 'green spaces' and are less likely to visit the countryside. This is because they experience barriers that can be impossible to navigate. Barriers can include:

- stiles;
- steps;
- narrow gates, entrances, paths and exits;
- difficult or high handles and latches on gates;
- logs or earth mounds;
- steep gradients and cross-gradients; and
- overgrown vegetation.

The DCAF recognises that there are some routes that cannot be made accessible because of flights of steps or unavoidably narrow sections. However, many barriers can be removed at relatively low cost, opening up significant areas of countryside to more disabled people. The aim should be to achieve the least restrictive option.

Disabled people are now benefiting from ongoing technological improvements in mobility aids. Now, electric and all terrain scooters/buggies, such as the off-road Trampler, can cope with more challenging gradients (25%) and cross gradients as well as having good ground clearance. All-terrain type scooters are quite capable of going across grass fields and open moorland. Such off-road scooters can even manage distances of 20 to 40 miles. A modest improvement to a gate may open up more extensive areas for access.

Access managers often under-estimate the capability of this new generation of off-road mobility scooters and may think access cannot be improved if routes are not suitable for wheelchairs, whereas it is highly likely that a Trampler off road scooter could cope adequately.

Making improvements

Major modifications to routes using very specific criteria are often inappropriate, especially in rural areas, or very expensive but relatively minor changes can often result in a much more accessible and enjoyable route, particularly for people with all-terrain scooters.

Improvements must be agreed with landowners and should consider how disabled people might be able to access the route while maintaining necessary measures to control farm animals and any vehicles. In some instances, changes will not be possible. Historic or locally important structures should be respected.

Some possible improvements include:

- Replacing stiles and kissing gates with 1.5 m wide gates with good latches and trombone handles. Where self-closing gates are required a two-way gate is preferable. Kissing gates that can be operated by radar keys may be an option in some locations. (e.g. National Trust Parke estate and Fremington Quay nature reserve). Latches are often over-looked but can ensure gates can be easily opened and closed. They should be positioned where they can be reached and in good condition. Long handles which can be reached at different heights are useful to open gates.
- Ensuring the path width and surface are suitable for wheelchairs, buggies and trampers helps many people. This does not mean that a route requires a road surface – minimising puddles, roots and ruts may be all that is needed. Many disabled people still want a countryside experience.
- Ramps rather than steps on approaches to bridges would greatly assist those with disabilities. Where steps are unavoidable, rest or landing areas should be included or there should be signposting to an alternative reasonable route.
- DCAF advises site managers to explore options for facilitating access for Trampler all terrain mobility scooters or making these available for hire, as has been successfully developed by Countryside Mobility South West.
- Routes for cyclists should take into account reclining bikes, trikes and modified bikes as well as Trampler type mobility scooters. These can be longer, lower or wider than a standard bike when navigating a gate or turning space.

Planning for better access

The Forum advises that improvements to Public Rights of Way should incorporate the highest possible access standards from the outset, and that managers should regularly consider potential enhancements. For example, Parish Councils may be planning improvements to Public Rights of Way through Neighbourhood Plans and should consult disabled people on changes. This will ensure costly mistakes that inhibit access are avoided and that people are informed where it is not possible to make an adjustment and improvement. In planning or designing *new* routes the above recommendations should be considered from the beginning to achieve the highest standards possible. Several organisations have good practice guides to ensure disability access standards can be implemented.

It is also worth noting that improving access to the countryside isn't necessarily limited to improving paths and gateways. People with limited mobility may have other needs too. There are additional aspects to consider and these include:

- Connectivity (access to the site via accessible public transport, disabled parking bays or safe paths).
- Rest (stopping off points such as picnic tables, pubs, cafes and wheelchair (or mobility scooter) accessible toilets).
- Information (providing clear, easy to read information about the route or site so that people can plan their visit with confidence and consider making information usable by visually sighted and/or deaf persons)
- Sensory enhancements such as scented plants for visually impaired people. Also, suitable lighting and clear edges to paths in urban areas.

Legislation

Under the Equality Act 2010, Public Authorities (including County, District, Town and Parish Councils) have a pro-active legal duty to advance equality for disabled people. This includes meeting disabled people's needs. The Act also places a requirement on providers of services to the public to ensure people are not unlawfully discriminated against and that reasonable adjustments are anticipated and made for disabled people. Landowners who have public access or public rights of way across their land are not providers of public services, and therefore cannot be obliged under the Act to make reasonable adjustments, for example by changing a stile to a gate. Landowners who provide permissive access must comply with the Equality Act by considering what reasonable adjustments can be made for disabled people. However, this does not oblige them to put in place anything that would be an unreasonable cost, ineffective or impractical. More information:

[Home Page | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://equalityhumanrights.com)

[Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

[Equality legislation - Equality and Diversity \(devon.gov.uk\)](https://devon.gov.uk)

The Department of Transport legislation states that Class 3 mobility scooters must have a maximum speed of 4 mph on pavements and 8 mph on roads, a width of 85 cm and an unladen weight of 150 kg. This class includes Tramper mobility scooters and the TGA 3 wheel Supersport.

[Mobility scooters and powered wheelchairs: the rules: Rules for class 3 invalid carriages - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Best Practice

For photos showing good practice and details of wheelchair and mobility scooter specifications see the DCAF website [Devon Countryside Access Forum - Public Rights of Way](#)

For more comprehensive information on standards, particularly when establishing a new route, see:

- Disabled Ramblers UK
disabledramblers.co.uk
The Disabled Ramblers helps mobility-challenged people get back out into the countryside. Disabled ramblers have several categories of footpath from level 1 for manual wheelchairs to level 3 for off road scooters. Full details are on the website. One useful guide is their publication on Man-made Barriers and Least Restrictive Access [Access \(disabledramblers.co.uk\)](http://disabledramblers.co.uk)
- Natural England's Trial of self-closing bridlegates
[A trial of self-closing bridlegates: 2015 - JP018 \(naturalengland.org.uk\)](http://naturalengland.org.uk)
The summary and conclusions make recommendations for disability access following a trial involving walkers, horse-riders, cyclists, disabled users and landowners.
- Sensory Trust information fact sheets
[Advice and guidance – Sensory Trust Guides](#)
These include advice on access design, accessible green space, access to the countryside, seating and shelter and access to historic landscapes.

For more general information on current initiatives in Devon which benefit disability access see:

- Countryside Mobility SW (tramper buggy hire project)
[Welcome to Countryside Mobility | Countryside Mobility](#)
- Living Options Devon Heritage Ability project
[Heritage Ability | Countryside Mobility](#)

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