



# EXMOOR LOCAL ACCESS FORUM



## ANNUAL REPORT

2008

## *Introduction*

**The Exmoor Local Access Forum is an independent statutory advisory body set up by the Exmoor National Park Authority in 2002, under sections 94 and 95 of the Countryside and Rights of Way Act 2000.**

**The first meeting of the Forum was held in February 2003.**

**The Forum's main purpose is to advise the National Park Authority, Natural England, the two local highway authorities covering the area and other statutory bodies as to the improvement of public access to land:**

- **for the purposes of open-air recreation and the enjoyment of the area;**
- **for any other lawful purpose other than by mechanically propelled vehicle; and**
- **by means of mechanically propelled vehicles insofar as the access related to byways open to all traffic.**

**In providing advice, the Forum must have regard to the needs of land management; conservation of the natural beauty of the landscape; and guidance given by the Secretary of State.**

**This is the fifth Annual Report from the Forum and its meetings were held on 12 March, 2 July, and 15 October 2008.**

**For further details on the issues covered below, the agendas, minutes and papers for the Forum's meetings can be viewed and downloaded from the National Park Authority's website – [www.exmoor-nationalpark.gov.uk](http://www.exmoor-nationalpark.gov.uk). The agenda papers are also widely circulated to a number of individuals and organisations, and can be seen in local libraries and council information points.**

**This report will be presented to the National Park Authority (the appointing authority) at its meeting on 3 February 2009.**

**Exmoor National Park is situated in the South West of England straddling the counties of Devon and Somerset. The equivalent of over 2 million day visits are made to this special place covering 267 square miles. Stunning landscapes, wilderness and tranquillity, rare in southern England, and a warm rural welcome await you on Exmoor, one of Britain's breathing places; and the glimpse of wild Red Deer or the native Exmoor Pony, are just a couple of the delights that make Exmoor special.**

## **The Work of the Forum**

### **West Anstey Common – Vehicle Management**

- At its meeting on 12 March 2008 the Forum gave further consideration to the access and management issues at West Anstey Common and in particular to the parking of vehicles around the Froude Memorial Stone. The National Park Authority and Natural England and previously sought the advice of the Forum and a site visit had been arranged. A number of proposals were put forward by Forum Members in relation to containment of the parking in the area, including the use of boundary ditches and banks. The Forum was conscious of the need to balance the likelihood of future damage to the landscape with the public's enjoyment of the area. It was agreed that the Authority's Officers would progress the matter in liaison with Natural England.

### **Higher Level Stewardship (HLS) Access Targeting**

- The Forum considered the draft guidance received from Natural England in relation to targeting for HLS access funding. Forum Members expressed their concerns to Natural England about an apparent lack of funding and the impact this may have on access. The Forum also noted the limited number of HLS schemes being awarded to upland farmers on Exmoor and the consequent effect on access issues. Members of the Forum emphasised the potential to provide links between open access areas through access arrangements contained within HLS schemes and the Forum asked to be consulted as to whether proposed access routes within an HLS scheme represented value for money.

## **Resolving Obstructed and Off-Definitive Line Rights of Way on Exmoor**

- In March, a draft prioritisation scheme was presented to the Forum by the Authority's Rights of Way and Access Officer on the proposed prioritisation for resolving obstructed and off-definitive line rights of way. The Forum was invited to give its views on the proposed scheme and specifically, it was the view of Members that the issues at Timberscombe Common be prioritised. Forum Members also emphasised that the suitability of new routes for use by wheelchair users and people with a disability should be a primary consideration. The Forum would continue to receive regular updates from Officers as to progress, and a verbal report was provided to the July meeting. The successful resolution of issues in relation to the footpath at Seachamber Wood, Lynton was welcomed.

## **Access to Water and Canoeing in Exmoor National Park**

- The Forum had previously advised the Authority of its preference for negotiated voluntary access agreements on rivers to enable canoeing to take place, which the Forum considered as the best way of meeting everyone's requirements and protecting river environments. At its July meeting, the Forum noted the report of the Authority's Access and Recreation Manager and supported the policy adopted by the Authority on 3 June 2008 which aimed to work with both riparian owners and canoeing organisations in order to facilitate successful voluntary access agreements and to assist with their implementation.

## **The Draft Marine Bill: Coastal Access**

- Following the consultation on coastal access, the Forum has continued to monitor developments and raised particular concerns in relation to:
  - the assessment of whether or not coastal access should cross private property;
  - how far inland coastal access would reach and the width of the proposed 'coast corridor';
  - the proposed treatment of parks and gardens within the legislation;
  - the provision of exclusion zones around buildings; and
  - the potential for payment of compensation to landowners.

Forum Members considered coastal access to be an important issue and agreed that some parts of the South West Coast Path may be improved by the increased access proposals. However the Forum was concerned to receive as much information as possible about the proposals in order that it may identify all relevant issues and respond adequately.

## Restricted Byways

- In previous Annual Reports, the Forum has outlined the effects of the reclassification of the former Roads Used as Public Paths (RUPPs) to Restricted Byways on the Somerset side of the National Park, particularly in relation to the prevention of their use by mechanically propelled vehicles. Forum Members considered that it must be right to accommodate varying uses of rights of way and sought to speed up the processing of applications for a number of Restricted Byways to become Byways Open to All Traffic (BOATs). In July, the Forum received the report of the Authority's Access and Recreation Manager which outlined the recent Appeal Court judgment in *The Queen –v- Hampshire County Council and the Secretary of State for the Environment Food and Rural Affairs*. This judgment ruled that all applications to upgrade restricted byways to BOATs must comply with Schedule 14 of the Wildlife and Countryside Act 1981 and its effect was to reduce significantly the potential for Restricted Byways in Somerset to be upgraded to Byways Open to All Traffic.

## Regional and National Representation

- Throughout the year the Forum has considered and discussed the representation of Local Access Forums at regional and national level and also the importance of communication between local, regional and national level Access Forums. Forum Members felt that the England Access Forum (EAF) would be important in the identification of best practice and the illustration of how other Local Access Forums dealt with issues similar to those faced by the South West. It was also hoped that the EAF would provide clear lines of communication to Natural England. However, the Forum emphasised that requests for responses to consultations should continue to be made of *Local* Access Forums and that the effectiveness of Access Forums depended upon their understanding of the local area and their work and achievements at local level.

## Workshop: What are we going to do now? Looking to the Future?

- At its October meeting, the Forum participated in a workshop with the aim of identifying the future direction of the Exmoor Local Access Forum and how it could most effectively continue to carry out its statutory functions. A number of enhancements to current practice were identified, and revised terms of reference were agreed, a copy of which is attached to this report.

## Meeting the Communities

- Over the last year, the Forum has continued to reach out to the communities of Exmoor National Park in order to gain a feel for local issues and concerns in relation to access and outdoor recreation.
  - The Forum's meeting on 12 March was held at **Hawkridge Village Hall**. *The parish of Hawkridge is situated in the south of the National Park and is very extensive, stretching from Tarr Steps, down the Barle Valley to Castle Bridge, up the valley of the Danes Brook to Willingford Bridge, across the moor to Brightworthy Barrows, Landacre and Bradymoor, to Room Hill and Comer's Gate, across the shoulder of Winsford Hill and down to the River Barle again, before coming to Tarr Steps again.*

At the meeting, the Forum heard concerns about the use of tracks by 4x4 vehicles; suggestions for a footpath link to access land near Lyshwell Farm; and a report of the need for repairs to the gate between Molland and Anstey.

- The meeting on 2 July was held at **Roadwater Village Hall**. *Roadwater is a linear village to the east of the National Park, the Northern section of which follows the course of the Washford river. Roadwater largely comprises 19th century development, in many instances associated with the construction of the West Somerset Mineral railway, which arrived at Roadwater in 1857. Much of the layout of the Luxborough End of Roadwater derives from the location of railway sidings and the footprint of the village roads and houses has remained largely unaltered in over 100 years.*

The Forum was pleased to hear from the Chairman of the Parish Council that access routes within the parish were well used and that the Council enjoyed a very good relationship with the National Park Authority. Forum Members noted that the area welcomed visitors from all over the South West and from further afield and therefore the quality of available access was important.

In response to concerns raised about the use of footpaths by motorised vehicles, the Forum and the Authority's Officers acknowledged that it was important to monitor such activities and the Council was invited to provide information on the frequency and location of illegal motorised use of access routes, so that this could be reported to the police authority.

The Forum clarified the Authority's policy to use stiles on rights of way only as a last resort where no other safe or practical solution was available, and that the use of gaps or gates was preferred.

- To facilitate the workshop, the October meeting of the Forum was held at the National Park Authority's offices at Exmoor House. The next meeting of the Forum (February 2009) will be held at the Village Hall in Exford.

## Site Visits

- In July, Forum Members visited the ***West Somerset Mineral Line Railway Project***. The project is made up of a group of local and national partners including West Somerset Council, the Forestry Commission, Somerset County Council, Watchet Town Council, English Heritage, Watchet Market House Museum, and the Somerset Rural Youth Project. It aims to conserve this remarkable legacy of Victorian industry both within Exmoor National Park and along the West Somerset Coast and, improve physical access to the sites along the Mineral Railway.

## Moving Forward...

- Following the workshop at its October meeting, the Exmoor Local Access Forum has established a clear course for the future and will continue to provide advice to, and work in partnership with, the Exmoor National Park Authority. The following have been agreed as standard agenda items for future meetings of the Forum:
  - Delivery of Rights of Way Improvement Plan
  - Access to Open Country
  - Identification of key issues for consideration by the National Park Authority and recommendations of action where appropriate

## Membership

The Exmoor National Park Authority is keen to encourage membership of the Exmoor Local Access Forum and in early 2009 it will be advertising for new members who are representative of users of local rights of way, owners and occupiers of access land, or people with an interest in the enjoyment of Exmoor.

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If you wish to learn more about the work of the Exmoor Local Access Forum please contact Abbie Keeper on:

Telephone: 01398 323665  
Email: [ajkeeper@exmoor-nationalpark.gov.uk](mailto:ajkeeper@exmoor-nationalpark.gov.uk)  
Post: Exmoor Local Access Forum, c/o Exmoor National Park Authority, Exmoor House, Dulverton, Somerset TA22 9HL

## The Members of the Exmoor Local Access Forum

**Barry Bassnett:** As the user of a mobility scooter (Tramper), Barry is active in encouraging the use of gates rather than styles, wider footbridges for people with disabilities and the removal of barriers which inhibit the use of routes by disabled people. Barry is also a member of the Disabled Ramblers. Represents users of local rights of way and those with an interest in the enjoyment of Exmoor.

**Chris Binnie:** Chris owns and runs a small farm, with a wish to diversity into equine tourism. He has a particular interest in bridleways and he organises rides and walks across Exmoor. Chris is also interested in walking, shooting, archaeology, wildlife and conservation, and holds commoners rights on Dunkery. Chris is a member of British Horse Society and Exmoor Trust and member of the Executive Committee of the Exmoor Society. Represents owners and occupiers of access land and users of local rights of way.

**Simon Colley:** Simon is a retired teacher who has led children in outdoor activities including pony trekking, rock climbing and mountain biking. Simon is a Devon County Council registered moorland walking leader. Represents users of local rights of way and those with an interest in the enjoyment of Exmoor.

**Jeff Cox:** Jeff is involved in the preparation of pamphlets and booklets on walks, conservation work, waymarking and surveying rights of way to identify erosion and maintenance requirements. He is a member of the Exmoor Conservation Partnership Volunteer, Exmoor Youth Hostels Association and Chairman of the Exmoor Youth Association. He is heavily involved with the organisation, promotion and running of the Exmoor Perambulation. Represents conservation, users of local rights of way and those with an interest in the enjoyment of Exmoor.

**Stephen Crossman:** Stephen's interests lie in sport and recreation including walking and cycling and he is a member of Minehead Cycling Club, Team Zoyland Cycling Club (chair), and Minehead Running Club. Represents recreation and users of local rights of way and those with an interest in the enjoyment of Exmoor.

**Maria Floyd:** Maria has a general interest in access issues and is a member of the National Farmers Union and the Brendon Commoners Association. Represents owners and occupiers of access land.

**Jeremy Holtom:** Jeremy, Chairman of the Forum, works in land management and is interested in walking and horse riding. Jeremy is a Trustee at Calvert Trust Exmoor which is an organisation that offers facilities for outdoor activity breaks and courses on Exmoor for people with disabilities and their families, member and Chair of the Project Group, and a member of the Woodland Trust, Exmoor Society, Exmoor Woodland Conservation Fund, British Horse Society, Royal Society for the Protection of Birds, CLA and Countryside Alliance. Represents special interests and owners and occupiers of access land.

**Joan Long:** Joan is the chairman of the North Devon Group of the Ramblers Association and a regular walk leader with particular interests in conservation, and the historic and natural environment. Joan is also a member of the Exmoor Society, Devon Wildlife Trust, National Trust, Woodland Trust, Campaign to Protect Rural England, South West Coast Path Association, Youth Hostels Association and Dartmoor Preservation Association. Represents conservation, users of local rights of way and those with an interest in the enjoyment of Exmoor.

**Robin Milton:** Robin is a farmer with a farm holiday business - fishponds, walking, shooting and disabilities. He is a member of Withypool Commoners Association, Chairman of Chumleigh and South Molton NFU Branch, West Anstey Parish Meeting and Ex Devon Young Farmers' Association Leader. Represents tourism and owners and occupiers of access land.

**Richard Peek:** Richard is a farmer and landowner. He is a member of Devon Farming and Wildlife Advisory Group, and Chairman of the Exmoor Foxhounds through which he encourages people to come to Exmoor to enjoy horse riding. Represents owners and occupiers of access land.

**Jim Pile:** Jim is a Farmer and is Interested in rights of way/access, and the future development of Exmoor. Shows sheep at the local and Devon County levels. Jim is also Chairman of Kentisbury and Trentishoe Parish Council, Trustee of Kentisbury Village Hall and of the Kentisbury Old School Educational Foundation, the National Farmers' Union and the National Sheep Association. Member of Exmoor National Park Authority.

**Jean Ridge:** Jean is a keen walker and particularly involved in the Walking for Health Initiative (organised by the British Heart Foundation and Natural England), and designs walks for visitors to the area (particularly for the Yarn Market Hotel, Dunster). Her work for the Yarn Market Hotel includes the promotion of other local businesses, organisations or events. Jean is also a keen conservationist and a member of the Exmoor Society and the Campaign to Protect Rural England. Represents walking for health, tourism, users of local rights of way and those with an interest in the enjoyment of Exmoor.

**Duncan Waller:** Duncan is a partner in Barle Valley Safaris, which operates tours across the National Park particularly used by those with disabilities. He is interested in sustainable tourism on Exmoor and is a member of Exmoor Outdoor Activities Group, Exmoor Holiday Group and Countryside Alliance. Represents tourism, users of local rights of way and those with an interest in the enjoyment of Exmoor.

**Roger Webber:** Roger is a farmer and is interested in the countryside in general, including rights of way/access and the study of red deer. Roger is very much a voice for the local community and represents local interests and village life in general. Roger is also a member of West Somerset Council, Chairman of Cutcombe Parish Council, a member of Exmoor Trust, Joyces Charity, Conservative Party, National Farmers' Union, Countryside Alliance and the National Trust. Member of Exmoor National Park Authority.

**Christina Williams:** Christina is a keen walker and horse rider and is committed to and interested in the future of the community of Exmoor both economically and socially. She is dedicated to the landscape character of the National Park and the benefits it can provide in terms of visitors and economic opportunities. Christina believes that education is the key to removing distrust between landowners and users, particularly in respect of access land. She is also a member of the Exmoor Society (the Executive), CLA (Devon Committee member), Devon and Somerset Pony Club, West Buckland School Governor, Moorland Board and Director of the Badgworthy Land Company. Represents owners and occupiers of access land.



## **Exmoor Local Access Forum**

### **Terms of Reference**

#### **Remit of the Exmoor Local Access Forum:**

The Exmoor Local Access Forum (ELAF) will have a remit to identify specific or generic issues that affect programmes and projects to increase and improve access to, and enjoyment of, open spaces, public rights of way and the general countryside in Exmoor National Park. The Forum will provide an arena within which to raise such issues, exchange ideas and share good practice and experiences.

The Forum will provide responses to, and advise the National Park Authority (as the Access Authority) on, national, regional or local issues, policies, strategies, consultations or other major projects that may be relevant towards improving and increasing access and recreation provision in Exmoor National Park.

Specifically, the Exmoor Local Access Forum will:

1. Support and advise the Exmoor National Park Authority on access and recreation issues relevant to Exmoor National Park.
2. Act as a strategic/policy group and be less involved in day to day access maintenance or legal issues (eg Public Path Orders).
3. Comment on national, regional and local (county/district) consultations in so far as they impact on access issues affecting Exmoor National Park.
4. Monitor delivery of the Exmoor chapter of the Rights of Way Improvement Plan engaging with the Authority as appropriate.
5. Act as a consultative body in relation to access restrictions on Access Land.

In partnership, the Authority (as the Access Authority) is expected to:

- Consult the forum on relevant matters.
- Provide relevant information, reports and background papers.
- Give timely feedback on advice received from the Forum.
- Raise awareness of the Forum amongst officers and members throughout the Authority.
- Act as secretariat to the Forum

The ELAF will be guided by the Guidance on Local Access Forums (England) Regulations 2007.

## **Role:**

The role of the Exmoor Local Access Forum is to:

- a. Advise Exmoor National Park Authority and other statutory bodies, non government organisations, stakeholders and the local community on issues related to access within the National Park area.
- b. Provide opportunities for ELAF to comment and submit its views on relevant issues for consideration by the Authority.
- c. Liaise with local partnerships.
- d. Communicate with the wider public.
- e. Share information on national or regional and local policy / legislative changes through the Regional and England Access Forums.
- f. Explore opportunities for joint working on access work / implementation of rights of way improvement plans with partners in consultation with ENPA.
- g. Be made aware of and explore opportunities of current access and recreation policies and work undertaken by Natural England.
- h. Provide joint responses/ feedback / comments on relevant national, regional and local, strategies and consultations.
- i. Network with other organisations to identify and anticipate forthcoming issues ('Horizon scanning').
- j. Arrange for external speakers to be invited to the Forum to update on relevant issues.

## **Strategic Thinking:**

The ELAF will:

- a. Aim to be effective locally, regionally and nationally.
- b. Monitor progress against its own annual work programme.
- c. Maintain focus and channel time and activity where the Forum can have most influence.
- d. Prioritise issues and take a proportionate stance.
- e. Understand policies and their potential impact on access and recreational activities within the National Park area.
- f. Promote, monitor and assist in evaluating government schemes (eg HLS) that benefit public access to the National Park.
- g. Use the Rights of Way Improvement Plan as a focus and monitor implementation of the Plan and act as a consultee on its review and development (the ROWIP should be a standing item on the agenda).
- h. Prepare an Annual Report.
- i. Respond to consultations by:
  - Identifying the need for response.
  - Ensuring the response is representative of users and landowners in Exmoor National Park.

### **Access Land:**

The ELAF will:

- a. Ensure that Access Land is a standing agenda item.
- b. Act as a consultative body in relation to access restrictions on Access Land
- c. Promote and encourage creation and use of access links between areas of access land.

### **Administration:**

- a. Exmoor National Park Authority will be responsible for organising the meetings and the associated administrative tasks such as sending out invitations and circulation of appropriate papers.
- b. Exmoor National Park Authority will arrange for any minutes / actions from the meeting to be recorded and circulated to members within 14 days of the meeting.
- c. Any items for the agenda should be submitted at least three weeks prior to each meeting.
- d. The agenda will be circulated at least two weeks prior to each meeting.
- e. ELAF to hold 3 meetings per annum with additional meetings as required and at the discretion of the Chairman.
- f. Meetings to be held at different venues within the National Park to ensure engagement with local communities.
- g. ELAF will identify
  - An annual work programme (with some flexibility to allow for reactive nature of ELAF) linked to the Rights of Way Improvement Plan.
  - What input may be required from ENPA staff;
  - What it will not do.

### **Review:**

The terms of reference will be reviewed, as a minimum, every three years.

### **Date of next review:**

**October 2011**

Tim Braund  
Head of Information and Access Services

21<sup>st</sup> November 2008