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From: [REDACTED]
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To: Planning Consultation (DPD)
Subject: RE: Silverton Neighbourhood Plan Regulation 16 re-consultation
Attachments: Disability Access Position Statement 2022.pdf; DCAF Landowner liaison position statement revised 2023.pdf; DCAF Greenspace Position Statement 2020 FINAL.pdf

Follow Up Flag: Follow up
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Silverton Neighbourhood Plan Regulation 16 re-consultation

Thank you for providing an additional opportunity to comment on the Environment Report (September 2022). The report provides some helpful background to the various policies in the Neighbourhood Plan. The Devon Countryside Access Forum notes the additional context to the policies on access, public rights of way and greenspace and the associated aspirations.

The Forum refers to its previous response which still stands and notes these comments will be taken into consideration. In addition, the council may find it helpful to consider the Devon Countryside Access Forum's position statements on disability access, landowner consultation and greenspace and these are attached.

Regards

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Devon Countryside Access Forum

Greenspace Position Statement

Introduction

The Devon Countryside Access Forum has developed this position statement to inform planning applications and planning policy.

A number of defined green spaces are recognised by Government. In the context of the Devon Countryside Access Forum's remit the main areas are:

- parks and gardens – including urban parks, country parks and formal gardens;
- natural and semi-natural urban green spaces – including woodlands, urban forestry, grasslands, common land, wetlands, areas of open and running water, wastelands, derelict open land and rock areas;
- green corridors – including canal and river banks, cycle ways and rights of way;
- amenity green space – including informal recreation spaces, green space in and around housing and town or village greens;
- provision for children and teenagers – including play areas, adventure playgrounds and other informal areas; and
- accessible countryside in urban fringe areas

The National Planning Policy Framework identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Greenspace is important for health and wellbeing, providing physical, psychological and social benefits. These benefits are increasingly researched and demonstrated, alongside economic benefits and savings to the NHS. Figures suggest that investing in accessible green space yields health and wellbeing benefits to residents and visitors that exceeds the cost of provision. For example, the former Fields in Trust commissioned research to value the benefits - see [Revaluing-Parks-and-Green-Spaces-Summary.pdf \(fieldsintrust.org\)](#) Public Health England advises that interventions that improve access to green spaces are likely to help local areas reduce health inequalities – see [Improving access to greenspace: 2020 review \(publishing.service.gov.uk\)](#)

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CROW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.

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Greenspace provision

- a) Developers should seek to include a variety of greenspace that caters for different types of users.
- b) High quality walking and cycling routes should link housing to schools, shops, employment areas, recreational and sports facilities and rights of way.
- c) Circular routes within settlements should be developed to encourage healthier lifestyles and minimise car use.
- d) There should be a high degree of connectivity between greenspace areas.
- e) Where possible, the character and amenity of existing greenspace of good quality should be incorporated into the development.
- f) Maintaining and seeking improvements to biodiversity, alongside provision of greenspace, should be a key target.
- g) Heritage assets within greenspace areas should be protected and enhanced.
- h) Surfaces and use of materials should be appropriate for the intended use and respect the character of the surrounding environment. For example, it may be appropriate to have a hard tarmac surface for key routes for all users, including cyclists and disability users. Elsewhere, softer surfaces more in keeping with the environment could be adopted and allow use by other recreational access users such as horse riders.
- i) Greenspace should be perceived as safe with good lines of visibility. Lighting may be appropriate along certain paths. Areas should not encourage crime, fly-tipping or anti-social behaviour.
- j) Places for children, areas for quiet enjoyment and a variety of spaces such as woodland and water bodies should be incorporated.
- k) Dog walkers are the major access group. Consideration should be given to planning for dogs in new developments to reduce fouling issues. A useful reference for planning for dogs is [planningfordogownership.pdf \(hants.gov.uk\)](#)
- l) Any path furniture, such as gates, should be suitable for disability users. See the DCAF's position statement on disability access.
- m) Resting places, such as benches, are an important part of 'furniture' and help to make green space more accessible and enjoyable to those with health/mobility challenges.
- n) Greenspace does not have to be fully accessible to provide health and well-being benefits as landscape views still have value.
- o) Provision of greenspace should consider the impact on adjoining areas not designated as amenity areas. For example, implications for farmed land which may experience trespass or dog incidents.
- p) The Management Plan for any development should recognise the intrinsic importance of the existing highway network (including public rights of way), verges and heritage features as assets for the public to appreciate the landscape and access other recreational opportunities. These assets are part of a Natural Capital approach, for example Devon is appreciated for its sunken lanes, hedgerows and verges rich in flora.

Amount of greenspace

Developers should aspire to meet the Natural England standards for accessible natural greenspace. The ANGSt criteria specify that everyone should have access to one accessible natural greenspace:

- of at least 2 ha in size, not more than 300m from home;
- at least one accessible 20 ha site within two kilometres of home;
- one accessible 100 ha site within five kilometres of home; and
- one accessible 500 ha site within ten kilometres of home; plus
- a minimum of one hectare of statutory Local Nature Reserves per thousand population.

ANGSt takes a broad view of what constitutes natural greenspace. The requirements can be met through a wide range of different types of space, from local parks, greenways and footpaths, areas set aside for sustainable urban drainage systems, woodland and heathland. The ANGSt guidance is on [\[ARCHIVED CONTENT\] Nature Nearby - Accessible Natural Greenspace Guidance - NE265 \(nationalarchives.gov.uk\)](#)

The ANGSt criteria and Green Infrastructure standards are currently being updated by Natural England. The DCAF advises that up-to-date information is sought prior to using standards as a benchmark in any development design.

Linear routes connecting areas of greenspace, or crossing greenspace that might not be accessible, are also important.

Future maintenance and use of greenspace

Developers and local authorities should seek to ensure that areas of greenspace can be maintained in good condition for the future. Initial funding through section 106 or the Community Infrastructure Levy may not include maintenance. Ongoing financial contributions or a ring-fenced fund will be required.

Residents, particularly in new developments, may be unfamiliar with accessing greenspace. Financial provision for mentors and rangers to initiate events and encourage responsible use of greenspace may be required and this should be included in funding proposals. Groups who do not traditionally access greenspace could be a focus, for example teenagers.

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

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February 2020



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DEVON COUNTRYSIDE ACCESS FORUM

Liaison with landowners, land managers and tenants on proposed multi-use or cycle routes

GUIDANCE

Introduction

Ensuring timely and informed liaison and consultation with landowners at the earliest stage in the development of any proposed route helps to diffuse potential difficulties. It is important that any tenants of agricultural or other land are notified at this early stage. The Forum has identified a number of issues, in addition to those which would form part of the formal consultation and negotiation process, which should be considered early on in the process. The lead organisation, whether that is DCC or Sustrans or another body, should ensure that appropriate steps have been taken in the following areas.

Lead agencies should:

- check who will bear the insurance liability for the path. Where there are any tenancies on the land confirming the 'occupiers' liability' is particularly important;
- check the maintenance liability for the path and adjoining structures;
- check whether risk assessments have been carried out in respect of livestock adjacent to the route. This is crucial where there are suckler cows and calves. Fencing along the route of the path may be appropriate;
- discuss the financial implications associated with the development of any route. To satisfy cross-compliance paths can no longer be counted

as part of the land holding area. Equally, some environmental payments on the land may need to be re-paid;

- check that the landowner or tenant is aware that the farm has to be re-mapped to show the cycle/multi-use path. Failure to do this swiftly could jeopardise future support payments;
- check the location of any grant-aided fencing and path furniture which might have to re-situated. It is important to ensure that permission of grant funders is sought to relocate fencing. Otherwise this could constitute a breach of a stewardship agreement with associated penalties;
- discuss signposting to ensure people go the right way and responsibilities for signing;
- discuss path route to minimise the effect on privacy or business activity;
- consider timing and details of work during the construction period to minimise impact on livestock movements, agricultural operations and other factors which impact on the landowner or tenant;
- discuss whether the route could allow stock to stray and measures to mitigate this;
- discuss implications of the Basic Payment Scheme and agri-environmental schemes on vegetation management alongside the route.

Landowners should:

- liaise with lead agencies as above;
- make any tenants or potential tenants aware of any proposals for functional or recreational paths; and
- reserve the legal right to construct any metalled paths in negotiating any new tenancy agreements. Failure to do so can lead to tension between landlord and tenant where the landlord would like to construct a path.

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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 Tramper, 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.

Using routes shared with motorised traffic

Design and improvement work on roads to encourage non-motorised users and sustainable travel should reflect the hierarchy in the Highway Code, rule 204. This acknowledges that road users most at risk in order of vulnerability are pedestrians, in particular children, older adults and disabled people, cyclists, horse riders and motorcyclists.

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://www.equalityhumanrights.com/)

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

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

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 Trampler 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/government/guidance/mobility-scooters-and-powered-wheelchairs-the-rules)

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 \(naturalengland.org.uk\)](#)
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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