



Devon Countryside Access Forum
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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 landowners, 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.

<http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

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; <http://www.devon.gov.uk/communitypaths.pdf>
- look at Devon County Council's Rights of Way Improvement Plan to give you some ideas; <http://www.devon.gov.uk/rowip>
- 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. <http://documents.hants.gov.uk/ccbs/countryside/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. <https://www.dsc.org.uk/publication/the-complete-fundraising-handbook/> (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. <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>

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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