

SIGNPOST

Newsletter of the Peak and Northern
Footpaths Society



RAMBLINGS FROM THE CHAIR

If we had an editorial office it would be overflowing with articles for this edition of our Newsletter. I'll apologize now to anyone whose contribution either did not make it into print, or was pruned to fit the available space. Our Signpost Officer's unedited report would have been of interest to signpost aficionados. Maybe we can find a way to publish his month by month account "Diary of a Signpost Officer" on our website in the future. Sorry Dave; at least we managed to fit a picture, of the replacement fingerpost at Blackshaw Farm, on the back cover.

Now I'll try to be brief, so as not to be accused of hogging space, and get straight down to a report on the Half Year Meeting (HYM). As always the meeting was well attended with plenty of lively discussion and fresh ideas on how we can improve the way we work.

The morning session was dominated by updates from the Trustees. Alistair Taylor gave a run down on the state of our finances. Whilst it is not year end, the forecast suggests we should have drastically reduced the gap between income and expenditure. Uptake on the Direct Debit scheme, at 19%, could be better, but according to one member, Jerzy Matuszewski, who has experience in another society, it is very good for the first year.

Next up was the update on the new management arrangements, hopefully you read my comments on the back of the HYM invite, so there is no need for me to say it all again. We received plenty of comments and suggestions on ways we might improve the structure. Comments from Terry Norris, that he thought the new arrangements were working well, and that the trustees worked well as a team received a round of applause from the floor. Whilst I take that as a vote of confidence from the membership, we will be considering all the suggestions as we firm up the proposal, redraft the constitution and consult the Officers before bringing the finished proposal to next year's AGM.

The morning session finished with a plea, by Shirley Northcott, for walk leaders to represent the society during next year's Pendle Walking festival. More details can be found on the page opposite.

After lunch we enjoyed an excellent presentation by John King, on behalf of "Friends of the Peak District" about the campaign against irresponsible off-roading. That was followed by Open Forum where you the membership have a chance to have your say on any subject. Ted Roadhouse had some thought provoking comments on permissive paths and you can read all about it on page XX.

Well, dear member, that is it from me; my final Ramble as Chair of this Society. It has been an honour and a pleasure writing about my views on all things PNFS. But as Frankie Howard might have said "worry ye not." I will be standing as an Officer and Trustee at next year's AGM and no doubt I'll have a thing or two to write about - "Twitterings of a Trustee" perhaps? Maybe not.

*Cover: Unusual sundial in Goytside Meadows, New Mills
with inset detail of plaque. © Clarke Rogerson*

DATES FOR YOUR 2012 DIARY

AGM 2012 will be held at the usual venue on 28 April

HYM 2012 same venue 24 November

Kinder Mass Trespass 80th Celebration starts on Tuesday 24 April

www.kindertrespass.com

Friends of Peak District are holding a charity walk on 15 April

www.friendsofthepeak.org.uk

Bridestones celebratory walk - watch this space (we really are getting close now)

Pendle Walking Festival

At our half year meeting Shirley Northcott told us that 2012 will be a very special year in Pendle because it will be the 400th anniversary of the saga of the Pendle witches, which culminated in a hanging on August 20th of that year.

There are plans for the 2012 festival to run from 1st to 9th September if you would like to lead a walk, on behalf of the Society, please get in touch with the event organisers. Do give them some idea of your walking pedigree and the walk grades and distances that you are happy to undertake and don't forget to mention PNFS. They can be contacted by email: john@belbincolne.plus.com or tom.partridge@pendle.gov.uk

Volunteering opportunities at PNFS:

As ever, we need volunteers; there are vacancies for:

Walk organizer (work from home)

Walk leaders (it's just a walk so why not take some of our members with you)

Minutes secretary (shorthand an advantage)

Assistant Treasurer

Highway Authority Changes

Justin McCarthy, one of our longstanding members, sent an article from the October/November issue of the radical magazine Red Pepper. Maybe not a publication some of you would normally read, but, if you get the chance, he recommends the article "On the warpath" by Mike Parker.

In the article Mike makes the case for why footpaths are good for us and why the cuts to Rights of Way teams are bad. This is not some politically biased article against the present Government but a balanced article that promotes walking as *"the ultimate in green and sustainable transport"*. Mike quotes his local council leader as saying *"Every RoW officer is worth a million pounds to the Welsh economy"*. He goes on to say *"Well-trained, experienced professionals save authorities a small fortune in legal counsel and getting rid of them could prove very costly indeed"*. His conclusion is that *"This is not about a few footpaths; it is about our hard-won access to our own land and identity"*

The full article can be found at <http://www.redpepper.org.uk/on-the-warpath/>



LIFE GETS A BIT EASIER IN DOVE HOLES

Footpath No.48, in Chapel en le Frith parish, runs from Dale Road in Dove Holes village to Longridge Lane. If you fancied a bit of gymnastics to keep you fit, you had to climb over a field gate to access it from Dale Road. The gate was padlocked and there was no stile adjacent to it for walkers to use. A complaint to the County Council brought no joy, so the Society authorised me to serve a notice under section 130A of the Highways Act 1980. The threat of this was enough to bring a swift resolution of the problem. A new wicket gate appeared soon after.

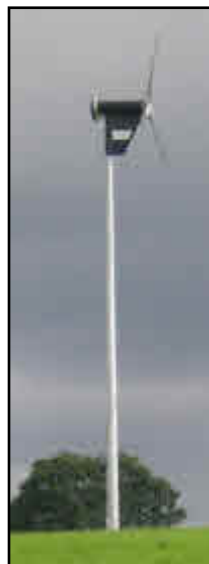
John Harker

(NO) WIND TURBINE AT CROFT

One of our signs at Croft near Warrington, announcing that we are active in the area, encouraged locals to ask the Society to help with their objection to an application for a single wind turbine. In line with our policy on wind turbines i.e. is the enjoyment of walking a public footpath affected, a letter of objection was submitted to Warrington Borough Council

It is good to report that Warrington Borough Council have rejected the application on two counts: that of noise emission and, principally, that the local benefits of such a turbine to the applicant are substantially outweighed by the deleterious effects on the local population and on users of the two nearby footpaths. 58 locals objected and their coordinator thinks that our submission as a footpath organization was of considerable importance.

David Bratt



SURFACING OF BRIDLEWAYS

What is the legal position when the owner of a property who has a private right of access for his vehicle, which is also a bridleway, wishes to resurface the way to provide an improved surface for his or her car. For example by laying concrete or tar macadam?

Firstly, why should this concern us as walkers? Because it leads to unsightly urbanisation of the countryside; because it will enable vehicles to be driven at increased speed, increasing danger to pedestrians and because tarmac provides a slippery surface for horses. A sliding horse next to a walker on a bridleway is not a welcome prospect.

“The needs of all the users, walkers horse-riders and cyclists, must be taken into account”

The surface of a bridleway, as is the case with a public footpath, is owned by the highway authority. The fact it crosses private land does not alter that position. The duty of the highway authority is to maintain the bridleway for ordinary traffic which, in the case of a bridleway, is walkers and horse riders. Where a private right of way for vehicles co-exists with public rights then the authority is not under any duty to repair it to a standard suitable for use by motor vehicles.

Repairs to the existing surface such as filling in pot holes with material already used on the surface, such as crushed stone, would be lawful. If the property owner wishes to go beyond this and resurface the

way he will normally require both planning permission and the consent of the highway authority. The act of resurfacing, being an ‘engineering operation’, would amount to a development within section 55 of the Town and Country Planning Act 1990. Under Part 9 of the General Development Order 1988 the carrying out on land within the boundaries of a private way of works required for the maintenance or improvement of that way is permitted development. It does not require planning permission. However, the expression ‘private way’ is defined in Article 1 (2) as a highway not maintainable at public expense and any other way, other than a highway. This will preclude work on most, if not all bridleways, as they are highways normally repairable at public expense.

The relevant factors to be taken into account in deciding an application for planning permission and the consent of the highway authority include the following. The needs of all the users of the bridleway, including walkers, horse riders and cyclists. The existing surface material, the length and width of the route to be resurfaced, the gradient, existing and proposed drainage and the nature of the land surrounding the bridleway, for example if it is in a rural location. Properly carried out this decision making process, when applied to rural bridleways, should result in the retention of their character and a surface suitable for the needs of all users, both public and private. In most cases crushed stone or aggregate would be suitable.

Interference with the surface without the permission of the highway authority is a

Continued

criminal offence. Resurfacing without planning permission may result in enforcement action, although the end result may well be a retrospective granting of permission rather than an order to restore the original surface. Unfortunately some councils seem unaware of these provisions and have no adequate policies to protect the interests of walkers and horse riders. Calderdale is a welcome exception. This area of policy is a subject suitable for raising at a local access forum or a public rights of way users forum

Terry Norris.

PERMISSIVE PATHS

In the area where you live, how many new public rights of way have been recently created? Probably none at all - or if you are lucky, perhaps one or two. I am told that, between 1950 and 2005, local highway authorities created less than one new right of way every two years. On the other hand, in the same area, how many permissive paths have been created?

You may not be aware of it, but probably several hundred permissive paths have been opened in PNFS territory in recent years. If you doubt me, try entering "DEFRA walks" in Google, and see what you get. Think about the new paths opened by the National Trust at Hardwick; think about the new paths opened recently to enable walkers to reach open access land. The fact of the matter is that it is much easier to create a permissive path than a right of way, and to the extent that our national network of public paths is growing and developing, almost all the new growth in the form of permissive

paths. I should stress that, although we regret that it may not be a right of way, a permissive path is much better than no path at all.

At the moment, I believe that PNFS as a society is not particularly interested in these paths. My suggestion is that we should be. I think we should make it our business to know where these paths are, and who is responsible for their maintenance (it's often the local council) and that over time we should build up a simple data base about them. Nationally, I think we should be pressing for the Ordnance Survey's very strict rules on which paths they show on their maps to be relaxed. Finally, we should where possible identify those which follow ancient tracks and routes which were little used in 1949, and press for them to be included on the

**Several hundred
permissive paths
have been opened**

definitive map before the deadline proposed in 2026.

Obviously, we lack the resources at this time to survey all permissive paths at once, but we could make a start by slowly and carefully collecting the local knowledge our members possess, and concentrating on new projects rather than the older ones. However, we should not forget that some paths which have been used for many years without clear signing or designation may have become public rights of way.

Ted Roadhouse

WALKS PROGRAMME

NOTE: For all walks, check train or bus times near the date and bring lunch. All walkers joining a PNFS led walk should be appropriately dressed and are responsible for their own safety. Walk leaders reserve the right to exclude people from the walk without giving any reason for that decision. If the advertised transport is delayed, the leader must not start the walk until it arrives. Walk leaders should be conversant with the Society's Walk Leaders Policy, which can be viewed on our website.

SHORT WALKS

Wednesday 11th January

Leader: Martin Riley (01706 848408)

Godley to Stockport. 8 miles. Flat. (last mile can be done by bus)
Manchester Piccadilly 1048. Walk starts at Godley Station at 1105

Wednesday 8th February

Leader: Dave Brown (01665 733236)

New Mills to Whaley Bridge - Linear Walk. 5 miles 1000ft.
Manchester Piccadilly 1052. Walk starts at New Mills Newtown Station at 1125

Wednesday 14th March

Leader: Bernard Taylor. (01457 876939)

High Moor Circular. 5 miles. 450ft
Manchester Victoria 1027. Walk starts at Greenfield Station at 1055

IMPORTANT NOTES

Time tables often change in December so please check train times nearer the walk date.

LONGER WALKS

Wednesday 25th January

Leader: Bill Minshall (07771985846)

Wilmslow circular 10 miles undulating
Manchester Piccadilly station 09.30
Walk starts at Wilmslow station at 09.50

Wednesday 29th February

Leader: Alan Talbot (07714826899)

Todmorden circular 10 miles hilly.
Manchester Victoria 09.48
Walk starts Todmorden station 10.15

Wednesday 28th March

Leader: David Bratt (01925 762472)

Bromley Cross circular 11 miles Hilly.
Manchester Victoria station 10.00
Walk starts Bromley Cross station at 10.30

BOOK REVIEW

The Wild Rover, a blistering journey along Britain's footpaths by Mike Parker, published by Collins, 2011,

In the introduction, to his book, Mike makes reference to "A year of walking, in every landscape and almost every part of these islands, has been an extraordinary experience, one of the purest pleasures I've ever had with my clothes on." Out of that year has come this book combining an account of these walks, a history of the rights of way movement, its causes célèbres and leading organisations and a history of battles in Parliament to pass laws protecting footpaths and giving walkers a right to roam in open country.

A chapter entitled 'On the warpath North' starts with an interview with our chairman and gives a gripping account of the Flixton case, a dispute over a path in Trafford with a landowner called 'Vegetable' Wright which led to the formation of the Society in 1894. The author then recounts the struggle with Colonel Ainsworth of Smithills Hall to establish access to Winter Hill in 1897 and the better known mass trespass on Kinder in the 1930s. A southern chapter on the same theme gives an account of the litigation against the infamous Nicholas van Hoogstraten and East Sussex County Council and the dispute over access on Madonna's estate.

A visit to the IPROW (Institute of Public Rights of Way Officers) conference provokes many entertaining and thought provoking comments on the effects of cuts to Council spending and on ROWIPs (Rights of Way Improvement Plans). Many Councils' favourite new toy, the short circular walk attracts a waspish comment from Mike, "They are to walking what

*Turkey Twizzlers are to cooking. These b*****d creations would be fine were they not greedily snorting up such a large proportion of the steadily diminishing pot of cash, for all that reassuring gadgetry, spoon feeding and a**e wiping does not come cheap. But we have to do it, you see, is their response, because our survey said so. People told us that don't use the footpaths because they're muddy, or scary or boring. There aren't enough toilets, cafes, signposts, floodlights or car parks. They don't know where the footpath is going. Sort all that out, and of course we'd use them. One day. Maybe."*

Those of you in dismay at the recent changes in the Ramblers Association under the leadership of the recently departed Chief Executive will enjoy several pages of reasoned and, in my view, justified criticisms e.g. the £35,000 spent on rebranding itself in the lower case as 'the ramblers', whilst cutting essential staff.

The final chapter, however ends on a positive note. Mike draws comfort from two disparate events, the economic lessons drawn from the effects of closure of paths at the time of the foot and mouth epidemic and the defeat of the Government's proposals to sell off the state's woodlands. "Something has fundamentally shifted in the last 20 years: our level of knowledge as to what we have, and an understanding of what it means to us all, have become embedded in a quite new way across our collective identity."

Terry Norris

THE SAGA OF BRAMPTON FOOTPATH 29

or How not to take 'No' for an answer.

This case is one I 'inherited' when I became Area Officer for North-East Derbyshire in 2007. House owners had applied to N.E. Derbyshire District Council in 2006 for a diversion of part of this footpath which ran adjacent to their property. The local district council had refused the application, so the owners then applied to extinguish that section of the footpath in return for them dedicating a replacement section of footpath.

There was a site meeting between the owners, the District Council Footpaths Officer, myself and the Society's local inspector. In a conciliatory spirit, we offered alternative suggestions for a diversion which were brusquely rejected. We advised the council officer that the proposal to extinguish & dedicate was legally flawed, & that case law [R. (Hertfordshire County Council) vs. Sec. of State for Environment, Food & Rural Affairs 2005] specifically said that such a combination of extinguishment/dedication was not allowed. The result was that the second application was also refused by the District Council.

There we thought the matter rested – a successful defence of walkers' interests. However, undeterred the owners decided to apply directly to the Sec. of State for Environment, Food & Rural Affairs (SSDEFRA) under section 120 of the Highways Act 1980. This is a very rarely used piece of legislation but the owners were adamant this footpath would be moved. The case was determined on the Sec. of State's behalf by the Rights of Way Casework team in the Government Office of

the North-East (GONE) based in Newcastle. The application was rejected again, but the GONE had not handled the case correctly, & the owners applied for judicial review in the High Court in Leeds asking a judge to quash the decision by the GONE on the grounds of unfairness. The Sec. of State admitted the GONE's culpability and consented to the quashing with costs of several thousand pounds to the owners to cover legal bills (from your pocket as a taxpayer).

So to Round 4, with the score still at 2-1 in our favour. The Sec. of State was taking no chances now, and the decision-making task was given to the DEFRA office of the Outdoor Recreation & Access Team in Bristol. This Society was invited to comment on the owner's application and on the Society's behalf I seized the chance. The merits of the diversion were secondary in my opinion to one crucial fact. The Sec. of State's own circular, published in 2009 with the aim of setting out how the government viewed the management of the national rights of way network, explicitly stated that the Sec. of State's powers to publish an Order to create or divert a right of way would only be exercised "exceptionally". In other words there would have to be unusual or nationally important reasons why a particular path should be diverted. I argued there were no such reasons in this case and that the application should be rejected.

On the 7th. September we received the final verdict. The Sec. of State accepted our argument that there were no "exceptional" reasons why she should exercise her powers under section 120 of the Highways

Continued

Act to publish a Diversion Order. The owner's application was rejected.

Is this the end of the story? We have travelled from N.E. Derbyshire, via Newcastle, Leeds and Bristol to get this far. Is it a 3-1 win for walkers or are we going to be faced with extra time? I can see no other avenue for the applicants to take this any further except another visit to the High Court for judicial review of the decision, but that is very costly financially if you lose as the Sec. of State found out at Leeds High Court.

I think this is over, but don't quote me. Some people just can't accept 'No' for an answer.

John Harker

SIGNPOST REPORT

It's been busy since July, when I wrote my last report, but I seem to have little to show for it, with only one more signpost in the ground, making a total of **336**. I finished July by refurbishing **S124** on Rushup Edge. She had looked weather-beaten for some time; even odd arrows and letters had dropped off, so I decided to bring her in and get back to bare metal with the help of a big shot-blaster at Whiteheads' Foundry in Broadheath. I then primed her and her cross-plate, gave them six coats of HMG's gloss and then we trundled them up Chapel Gate and put the bits back together; should look OK for a year or two I hope.

F008 has been replaced, it is situated close to Blackshaw Farm, north of Lantern Pike (see back cover). It is a spanking new, 6-fingered, wooden fingerpost, made and

erected by Peak National Park personnel Pam Pickering at Millers Dale and Ranger Kevin Thompson. Many thanks for their generosity.

S026 is cast iron and weighs a ton, so I enlisted the help of a passing angler to haul post and plate in one piece over the stile and into my car. Imagine my amazement on checking my emails at Taylor House the next day, when I found my "theft" of the sign reported to me together with my car's number plate by the vigilant and aptly named Nick!

I received an email, via our inspector Harold Thompson, from Lorraine Mellodey, who looks after PROW for Blackburn and Darwen. It came with two alarming photographs of **S235** lying on its back on the moors above Belmont, but the email showed that not only had Lorraine been notified by Harold, but that the job was already done!!

Thanks to all of you who have supported our signpost work through your generous donations and thanks again to those who have helped me in the last few months, especially Margaret Buckley, who has taken up painting our signposts in the field, starting with the remote S247 at Mill Hill.

Remember that you can discover the whereabouts of all our signposts via our website. If you need my help or advice with signpost matters, please give me a call: 0161 283 7824.

David Morton

LIGHT RELIEF

Director of Public Prosecutions v Jones and another House of Lords 04.03.1999

What Members of the public may and may not do on the Highway (including on Footpaths and Bridleways)

On 1 June 1995 about 21 people were on the verge of A344 close to the perimeter fence of Stonehenge. Some carried banners with legends such as "Free Stonehenge". When Dr Jones and Mr Lloyd refused a police request to move off they were arrested, charged with "trespassory assembly" and convicted by Salisbury Justices.

A zig-zag of appeal decisions took them to the House of Lords, where by a majority of 3:2 the conviction was quashed. At each appeal it was assumed that (i) the grass verge was part of the public highway and (ii) the group was peaceful, did not create an obstruction and did not cause a public nuisance.

Their Lordships' speeches are of general interest because they clarify what a person may and may not legitimately do on a public highway.

1893 and 1900 cases (concerning disruption of grouse shooting by walkers on footpaths and race course touts assessing the form of horses on training gallops) emphasised that the only lawful use of a highway was to pass along it. The courts implied that if two friends stopped in a street to chat they were committing a crime.

The judgement in Jones rejected this pedantry. *The highway not just for passing and re-passing; other activities are lawful providing that they do not obstruct the primary purpose, are reasonable and do not involve the commission of a private or public nuisance.* Therefore you may tie a shoe lace, stop to read a map, rest weary limbs, rattle a collecting tin for charity or play a euphonium in a Salvation Army band.



Now where did I put my euphonium
© Clarke Rogerson

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This replacement fingerpost at Blackshaw Farm was manufactured and erected for us by the National Trust

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