



PEAK AND NORTHERN
FOOTPATHS SOCIETY
1894 - 1975

Annual Report
1974-75

*Heardman's Plantation, The Nab, Edale.
Named in memory of Fred Heardman by the
Peak Park Planning Board, 23rd March, 1974.*

PEAK AND NORTHERN FOOTPATHS SOCIETY

Founded in 1894

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ARTHUR SMITH

The following tribute to our late Vice-President appeared in the "Congleton Chronicle" on 12th July, 1974, and is reproduced with the permission of the Editor, Mr. Condliffe.

HE WAS NO ORDINARY SMITH

Because he lived the other side of Macclesfield, only last week-end did we hear of the death on 22nd June of one of the bravest men we have known. His name was Arthur Smith, and he was the scourge of those who wished to destroy a part of our precious, irreplaceable heritage—that network of public footpaths which is the only means many people have of getting into our beautiful, quiet countryside. If you haven't heard of him, then you haven't been reading the "Chronicle" properly for several decades, because whenever a public right of way was threatened, a letter would appear in the "Chronicle", often complete with

map so that no-one would be in any doubt. We first met him just over 20 years ago when we walked with him over a disputed footpath in Sandbach; when he came to where the new barbed wire blocked the ancient right of way, he horrified us by producing a pair of wirecutters, and snipping away the obstruction. But he knew exactly what he was legally entitled to do, and he did that and no more. Mind you, he was not the easiest of men to work with, for he was impatient for action, and it often showed if you didn't quite match up to his expectations.

Where his bravery showed was that—of all things to strike a man so passionately fond of walking—he became a victim of arthritis but at least he was still very mobile. In 1961, however, he succumbed to arguments to undergo an operation to relieve it, but it had the opposite effect—he never walked unassisted again, but he still got about with help from crutches. Six hip operations later, he was no better, and perhaps the final blow came when he struggled to a public inquiry at Congleton—concerning a footpath, of course—and on the way back got knocked down in the road, and spent almost 12 months in hospital. You couldn't write him off, however, and the last time we saw him, some months ago, he had accompanied his wife into Congleton where she was to collect some details—about footpaths, of course—from the council offices, while he remained in the car. During her absence, however, he somehow got out of the vehicle, and with the aid of his crutches dragged himself round to our office to see us.

Six months ago, he had a stroke, and, being Arthur Smith, he had made all arrangements for the future. He didn't want a funeral—he left his body to medical science and his eyes to an eye bank. He would be disappointed to know that, when he died at 80, they couldn't make use of his body just at that time, but they were grateful for his eyes, and he would be delighted to know that they were used the next day, to enable someone else to see and enjoy the countryside he had loved so much. There were few good causes with which he and his wife had not been associated, and the parson at his funeral summed it up when he said: "He was one of the old school which considered he had a duty to serve the community without expecting a reward." What a text for to-day that would make! "Readers Digest" has had a long-running series about Unforgettable Characters: we would certainly have Arthur Smith high on our list. And if there are any footpaths in Heaven, we can be sure that they'll still be open if and when we get there; Arthur Smith will have seen to that!

A. J. CONDLIFFE.

COMMENTARY

At the time of writing there is an expectant hush in the footpaths world. Arising out of the recommendations of the House of Lords Select Committee on Sport and Leisure (referred to in our last Report) and the more recent Report of the National Park Policies Review Committee—the “Sandford Report”—the Government is expected to issue a White Paper in the spring. It is quite possible that this may contain proposals for “rationalising” the footpaths system, or for making it easier to obtain closures and diversions. It may be recalled that the Select Committee advocated rationalisation without reduction in path mileage. Sandford, whose recommendations are limited to National Parks, also favoured rationalisation and control of rights of way in National Parks by the park authority. We favour the latter, but have informed the DOE of our opposition to rationalisation.

Arthur Smith

The main event of the year locally was the death on 22nd June, 1974, of our Vice-President and former Secretary, Arthur Smith, of Macclesfield, whose unquenchable devotion to footpaths preservation will be well known to most readers. His efforts as the Society's Secretary, in conjunction with the late Norman Redford, in the early days of the great footpaths survey ensured that many paths that might otherwise have been lost were added to the official maps. He drafted and duplicated large sheet maps showing omitted paths in Cheshire, Derbyshire and Staffordshire and solicited evidence diligently from all and sundry. He represented the Society at many hearings and inquiries at that period and much more recently as a Vice-President.

He remained active in the Society's work almost to the last and indeed might have survived longer and more comfortably if he had not.

But the cause was everything to him. Pride of place is given in this report to a warm tribute to his character and work from the Editor of the Congleton Chronicle. A suitable form of memorial is under consideration.

Beatrice Rowland

It was with great personal regret that I had to announce at last year's Annual Meeting the death of Miss B. Rowland, our Membership Secretary for many years. She was a keen Rambler and good leader who latterly represented the Manchester Fellowship on our council.

Resignations

We are sorry to lose the support of Dr. Frank Beech, a long standing Council member and now Hon. Secretary of the Dartmoor Preservation Association. His appearances at local inquiries in support of local amenity issues will be long remembered—not least by our opponents—and he remains willing to help so far as he can.

Our Vice-President, Arthur Moon, B.A., son of the notable former President of the same name, and employer of the late Thomas Boulger, has resigned following his retirement from legal practice. We regret the severing of this link with a successful period in the Society's past.

The Newman Case

By far the most portentous footpath case for some time concerns Mr. P. J. Newman's attempt, despite discouraging advice from experts, to use Section 59 of the Highways Act 1959 to secure the removal of obstructions from four paths in Worcestershire. This section provides means of forcing a highway authority to maintain a highway, and experts had previously held, as did the county council, that an obstructed path was not "out of repair".

Redditch magistrates ordered the county to remove the following obstructions under Section 59:—(a) hedge growing over path (b) hedge and wire (c) wire fence and (d) cesspit effluent flowing over path. The county appealed, but the Queen's Bench judges upheld the magistrates decision in respect of the orders for (a), (b) and (c). They remitted that for (d) for further consideration.

It was held that a highway was "out of repair" if its condition was fairly attributable to failure to discharge normal repair or maintenance duties. Thus, cutting back undergrowth and cutting through wire were part of normal maintenance, but removal of tons of rubble dumped by a builder would not be. Case (d) was remitted because the judges did not know if the cesspit effluent flowed over the path of deliberate design, or because of a blocked culvert. Only the latter would qualify for repair.

Obviously, we are on slippery ground here and need to tread warily before concluding what a highway authority might be compelled to do in any particular circumstances. In any event Worcestershire is taking the decisions to the Court of Appeal and the matter is not finally settled. If the outcome is favourable it will be possible to enforce the removal of many of the commoner forms of obstruction. (Since the above was written the Appeal Court has upheld the judgement in respect of (a) and (b) but not (c) and the case is now going to the House of Lords).

Normal use of Section 59.

A straightforward case of the use of S. 59 has occurred in Hertfordshire where a Mr. Barnes, aged 76, obtained an order from the Stevenage magistrates on 27th June 1974 requiring the county to replace a missing footbridge within nine months. Mr Barnes had made repeated requests to the county over a period of four years before resorting to S.59.

A further missing footbridge case is in progress at Toddington, Gloucs. These incidents and those which follow reflect the impatience and frustration felt by individuals who cannot persuade local councils to perform their duties willingly in the public interest.

Private Prosecutions for Obstruction. (Section 121).

A householder at Worth, Sussex, was fined £10 on each of two counts and incurred £51 costs for obstructing a path with barricades of newly cut saplings and a heap of refuse. The prosecution was conducted without legal representation by Mr. C. Hall, then Secretary of the R.A., and related to two dates a few weeks apart. It followed nine months' unsuccessful efforts to resolve the matter by complaints to the local authority. The obstructions have since been removed.

Another individual who successfully conducted his own case after fruitless attempts to get the Hitchin R.D.C. to remove a barbed wire fence erected at Welwyn in 1970 was Mr. L. Dunford, Chairman of the Mid-Hertfordshire F.P.S. The farmer responsible was fined £5 on each of two counts and had to pay £5 costs.

Nearer home, at Miry Carr Lane, Thorne, W. Riding, a landowner admitted to obstructing a bridleway, but claimed that it was not public and that he had been told so by the county council and the DOE. After evidence had been given by several elderly residents the magistrates declared the path to be public and convicted the landowner, but imposed neither penalty nor costs because they thought he had acted in good faith. Two points emerge from this case:—(1) Even if you win you may have to pay your own costs, and if the opposition appeals they can be crippling unless you withdraw; (2) The erroneous information from the county presumably arose from the common misconception that paths not on the definitive map are not public; it cannot be said too often that they still may be.

At Waltham Cross, Essex, magistrates dismissed a prosecution brought by the U.D.C. on the incorrect supposition that a padlocked gate 3' 9" high was not an obstruction if reasonably able pedestrians could climb it. The decision was reversed on

appeal to the Queen's Bench Division where the judges said that the gate undoubtedly did obstruct free passage along the highway. *Inspectors should note that a right of way ought to be negotiable by reasonably fit elderly people and not merely by active ramblers.*

Personal Obstruction

A picket who stood in front of a lorry for nine minutes during a strike at Stockport in 1972 was charged under HA1959.S121 with obstructing the highway, and was finally found guilty in the House of Lords. Lord Salmon said "Everyone has the right to use the highway free from the risk of being compulsorily stopped by any private citizen and compelled to listen to what he does not want to hear." This clearly raises the possibility of prosecuting a landowner who confronts walkers on a right of way, as sometimes happens, and it makes clear that they are under no obligation to stop or listen.

Path Statistics

During 1973 the numbers of orders issued under Sections 110 and 111, of HA 1959 rose to new peaks with 632 proposed diversions and 297 extinguishments, but the West Sussex rationalisation scheme accounted for a third of the diversions and more than half of the closures. Neglecting this factor, the ratio of diversions to extinguishments was 3.1/1 as against 1.7/1 in the 1960's, and reflects a growing awareness by local authorities that diversion is preferable to closure. The proportion of the orders confirmed was 75% for diversions and only 59% for closures. Orders made under the Town and Country Planning Act 1971 totalled 846 and 76% were confirmed.

Survey Progress

There has been little evidence of this in our district lately, but we note that Cheshire has finally produced its definitive map, whilst Derbyshire remains among the four laggards which have not got so far. By comparison fourteen counties have completed their first review, and three counties their second, whilst Durham and Worcestershire have been through the whole process three times!

For the foregoing six sections we are again indebted to "Foot path Worker", issued by the Ramblers' Association.

Winnats Pass Experimental Traffic Scheme

Derbyshire County Council have approved an experimental traffic order recommended by the Peak Park Planning Board for closing the pass on week-ends and Bank Holidays from Good Friday to the end of October, 1975. Besides being an extremely

attractive area, the Winnats is a Site of Special Scientific Interest, geologically and botanically. It is subject to heavy visitor pressure and there is increasing wear and tear from cars parked on the grass verges and their less sommolent occupants scrambling up the steep hillsides. We welcomed this scheme, but supported the C.T.C. in objecting to the exclusion of cyclists as well as cars: they will not be excluded this year. Unfortunately the Order has been opposed by local residents and there will have to be an inquiry.

Newsletter

Mr. M. J. Hinde has agreed to produce a News Letter for the Society and he appeals for any items of interest to be sent to him at 34 Edward Street, Salford M7 9SG.

FRANK HEAD.

OUR ANNUAL DINNER

Once again some fifty members and guests spent an enjoyable evening at the New Albion Restaurant over an excellent meal, and subsequently sitting back in a relaxed atmosphere listening to our guest speaker, Mr. Jerry Pearlman, West Riding R.A. Hon. Solicitor, discoursing on various rights-of-way and amenity issues, in which he had taken an active part.

As usual at this function, many members lingered after the proceedings had concluded, to renew friendships amongst longstanding acquaintances.

It was an interesting sidelight to learn subsequently, that two of our longstanding members were unable to discover our rendezvous in High Street, and spent the rest of the evening dining in an expensive establishment by the side of the Peak Forest Canal!

L.G.M.

THE FOOTPATHS JUNGLE

Some of 1974's more notable events

By DONALD W. LEE (*Closure and Diversions Secretary*)

Corruption

Maybe the most disturbing letter to be published on the subject of footpaths during 1974 appeared in "The Guardian" on the 7th May. It was their lead letter and titled "Shady Corners Off The Beaten Track". Here it is, as published, to ponder over.

Sir,—We are told that some of the corruption recently disclosed had its seed bed in the one-party political structure in mining areas. It is a theory which should be investigated, and those who hold this view are sufficiently influential to ensure that it is given full weight.

May I point out that the political organisation in rural areas is usually more under the control of one party and one interest, and much more secret in its activities, than that in the formerly predominantly mining areas in Durham. The county councils have been primarily responsible for the preservation and maintenance of public rights in the countryside for almost a century. In the rural counties, they have exercised the responsibility in such a way that thousands of miles of public roads, bridle paths, and footpaths have been abolished without process of law, and millions of pounds have been handed over to private owners by the illegal suppression of public rights. It is notorious that in many areas those ruthless and impudent enough to enclose common land or to close rights of way may do so with an assurance that they will not be opposed by the responsible authorities, and that if private individuals or societies attempt to oppose them, the inaction of the responsible authorities affords them an excellent protection.

The Poulson affair derived from human weaknesses—individuals have become the victims of their own arrogance, greed, stupidity—sometimes it seems of a mere simplicity in which they have been unable to distinguish between corruption and normally accepted business practices. These same human weaknesses are, of course, at the basis of corruption in the rural areas, but there is additionally a still more serious factor—a deliberate cynical distortion of the processes of government so that the laws made by Parliament shall not be carried out, and that as a result private interests in property shall be enabled to set aside public rights in that property. This is a fundamental corruption, and one with which the Royal Commission should certainly concern itself.

It will help to evaluate this letter if I say that I was a senior civil servant, an officer of the Ministry of Housing and Local Government, and a member of the Northern Planning Board from its inception. I knew Dan Smith well, and Andrew Cunningham slightly. Since I retired my researches into local government (especially in relation to commons and rights of way), and my experiences as secretary of an amenity society, have revealed to me depths not suspected in my many years of administration in Whitehall, Newcastle, and abroad.—Yours faithfully,

W. R. ILEY, OBE.
Cross House,
Corbridge on Tyne,
Northumberland.

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How many, I wonder, can smell the smoke, but who will be the first to see the fire?

“Signpost”

In 1974 some northern footpath enthusiasts got together to produce on a co-operative, non-profit-making basis, a duplicated quarterly magazine called “Signpost—the Northern Footpath Journal”. It has been very much in demand and one reviewer called it a sort of “footpath Private Eye”. The Peak and Northern has a regular page and coverage is rapidly extending over the whole North of England as circulation and correspondents increase. It costs 60p post free for four issues and orders should be sent to Miss H. Mills, 15 Lidgett Park Road, Leeds, 8—Now! I have extracted two articles I wrote in last year’s issues as follows:—

Wigan Footpath Campaign, 1970-1974

Wigan is noted for three things, Wigan Pier, the place where they make Uncle Joe’s Mint Balls—and the Wigan Footpaths Society.

This virile group led by local businessman, Jim Walmsley (address 63, Swinley Road, Wigan) has been hitting the local headlines since formation in 1970 to fight for Beggar’s Walk. This is a railway-side footpath leading from Wigan to Standish which the Corporation wanted to close so that Healey Homes, building developers, could extend house gardens over the path. A long campaign, culminating in a Public Inquiry in 1971, served to expose the Corporation for their appalling lack of sympathy towards footpath users. A result which completely vindicated the W.F.S. served as a tremendous encouragement.

However, Wigan Corporation, perhaps smarting from their well-publicised defeat over Beggar's Walk, used stone-walling tactics to try and demoralise W.F.S. during 1972/1973 over the question of Whitley Crossing.

It so happened that Beggar's Walk, along with a number of other tracks, led to Whitley Crossing, which had become a focal point in the whole semi-urban footpath network to the north of Wigan. It was a foot level crossing across the main Euston-Glasgow railway and was of historic interest quite apart from its obvious present-day value as a link path. W.F.S., having secured a reprieve for Beggar's Walk, and mindful of the impending electrification of the line, reasonably requested B.R. and the Corporation to join forces and build a simple footbridge. "Can't and shan't, won't and don't" summed up their attitude and they retorted, "In fact, we'll close it because of the danger". The crossing was on a straight stretch of main line with good visibility and there had been no known accidents for well over 100 years, so it was obvious that they were using the case to score points against W.F.S.

Appeals by the W.F.S. fell on stony ground and in 1972, the Corporation issued an Extinguishment Order under the Highways Act, Section 110, on the grounds that the crossing was "not needed for public use."

Within the 28 day objection period, 180 individual objections had been lodged and on that basis even the most stubborn local authority should have faced realities but they didn't. This stubbornness and the attempt to deprive local people of a useful amenity increased support for W.F.S. who organised a most successful pre-Inquiry rally walk at Whitley Crossing on a bleak February afternoon with a three figure turnout. Local dog owners were in particular well represented and footpath enthusiasts should note that they can be very vociferous and active allies where urban paths are concerned. The Inquiry was a charade though the sound of squirming officials attempting to back their feeble scheme was notable. Great must have been their despair when the B.R. man giving evidence in favour of closure to support the Council, stubbornly refuted the Council's contention that the crossing was dangerous.

The D. of E.'s recent announcement that the crossing was safe, was naturally expected, but in the public's eye the fight matured W.F.S. Moreover, the new Wigan Metropolitan Council consult the Society and listen to their requests as they realise that this is far less trouble than the pistol tactics, employed by their heavy-handed predecessors.

The Footpath comes through the middle of the House

Should you be looking for a new home with some added rural charm (like a public right of way through your living room) all provided at no extra cost, I can warmly recommend to you some of the houses erected by Wigshaw Properties of Leigh who build under the name "Broseley Homes". You could view perhaps "unlucky for some" footpath No. 13 (Urmston) on their Irlam Road, Flixton estate. Or maybe you'd prefer footpath 28 (Burtonwood) on their Chapel Lane development at Burtonwood, near Warrington, though you might be just too late to gain possession of the highly-desirable semi-detached dormer showhouses as featured extensively on T.V. or in the Press and built right slap bang on the path. Then again, you might prefer affluent south Manchester, if you have £10,000 or so to spend on a nice detached brick box through which goes footpath 54 (Stockport). Here, not only do you get the footpath, but you actually get the ramblers too, since not 5 yds. away there is a green metal "Public Footpath" sign instructing you to walk through the house. Maybe you saw the photograph in the last edition of "Rucksack" of these houses on the Vale Road Estate at Heaton Mersey, Stockport, though I suppose with such excellent local publicity, the houses will have been sold by now.

Now most builders make one—possibly innocent—mistake over footpaths. Occasionally, by coincidence I suppose, the same firm could make a second blunder. But when they do it a third time a rather sinister pattern seems to emerge.

They build the houses. Then the Council advertises the Order under the Town and Country Planning Act, for them ("to enable development to take place for which planning permission has been received"). We pick the matter up from "The London Gazette," and investigate it. As soon as we find out what's happened, we object and ask for a prosecution. At this point the Council dithers and usually asks the D. of E. what to do. If the development over the path is completed the D. of E. throw out the application and advise use of the Highways Act. If the development hasn't been completed then the D. of E. will have a Public Inquiry under the T.C.P.A. We argue that it's a misuse of T.C.P.A. and merely playing into the hands of the impatient builders.

So far in the Stockport and Urmston cases the D. of E. have thrown out the T.C.P.A. applications and they were re-advertised under H. A. We are continuing to object and are still asking for prosecutions. In the Burtonwood case this went to an Inquiry and the D. of E. confirmed the Order in favour of Wigshaws. They said that T.C.P.A. could be used because the development had not been completed. Just what "completed" means I don't know.

Does it mean deliberately leaving a couple of bricks out of an otherwise finished house just to satisfy the law, or what?

We complained to the D. of E. about their decision but apart from muttering pious words like "the tendency of builders to jump the gun in this way on closures and diversions is something which the Department deplures," we haven't so far got anywhere. However, I'm not resting yet, particularly as there is a discrepancy in the Inspector's report as he categorically states that the director for Wigshaws, reported to the Inquiry that building was completed, and amazingly the Inspector did not report exactly what he saw on site. The D. of E. say that if any development is unfinished by the *time they make their decision* then they can apparently use T.C.P.A. Sooner or later, this whole vexed question will have to be decided in the High Court.

I shall report any more interesting features of the Wigshaw saga as and when they occur, but meantime, if this firm moves into your area watch out for the footpaths.

Swettenham FP3: Class of '74

Every so often a classic case comes along and just one such beauty came to a head last year. You can all guess how it ended up, but the tale is worth the telling if only to demonstrate how the Establishment reacts to footpaths.

Swettenham in The Dane Valley, some 3 miles east of Congleton, is one of those chocolate box-top villages in which that part of Cheshire abounds. Footpaths are pretty scarce and those that are there are generally badly obstructed since the affluent landowners are very much anti-footpath, and anti-visitor come to that. One path, Swettenham No. 3 on the Definitive Map, runs for over half a mile from the centre of the village outwards towards Congleton and is a typical pleasant pastoral path over the Cheshire plain with correspondingly wide ranging views. It runs over Swettenham Park which, together with the adjoining Swettenham Hall, was bought by Robert Sangster, the Vernons Pools boss, in the late 60's. He decided that the Park would be ideal for racehorse breeding, but that since pedestrians on Footpath 3 would upset his brood mares and prize stallions it was best to apply for its closure. At first we had the usual futile argument that the path was not public at all, but our Vice-President, the late Arthur Smith, quickly and successfully demolished this pretext. Not to be outdone, the landowners—for Mr. Sangster had enlisted the support of the adjoining farmers through whose land the long path passed—then applied to the sympathetic councils on the grounds that the path should be closed because it was unnecessary.

Fawn-like and 'sickeningly the parish council readily agreed. And so did the Rural District Council. And so did Cheshire County Council. For Cheshire, despite their publicity ballyhoo on Public Participation, hadn't at that time the faintest idea of public involvement when it came down to the nitty gritty. For example, their Countryside Officer refused to answer letters and reminders I wrote to him on the affair.

The extinguishment was advertised in 1972 and in that year rumour was rife that Cheshire was kicking the rationalisation idea around. We quickly realised that to let this one slip through would open the flood gates to other similarly bent schemes. Of course, Footpath 3 was a vital path in any event. It was part of the link in a proposed Dane Valley Way and had it been closed ramblers would have been faced with a walk along narrow and dangerous roads. I don't expect you to believe this, but it was the R.D.C. no less than 2 years previously had themselves proposed the Dane Valley Way, yet now that same turn-tail authority were advertising the closure of a vital link simply because "the landowners didn't subscribe to the idea of the D.V.W."

As soon as the Peak & Northern read of the closure advertisement we got to work in the usual way. At first we tried a reasonable compromise diversion which the landowners' solicitors, Rayner and Wade of Liverpool, summarily threw out: "No scope for diversion" they retorted. To say that we mixed it in the local press would be an under-statement, but before we knew where we were we had local individuals knocking on our door virtually demanding the formation of a footpath protection group because of what was going on in this and other cases thanks to the disinterested and landowner—orientated Congleton R.D.C. Thus entered the R.A. Congleton Group complete with public meetings, public walks and an organised path protest (120 participants plus the 5th Column!) shortly before the inevitable Inquiry.

The Public Inquiry was notable on the following counts:

- (a) Extra seats had to be brought into the large council chamber to accommodate objectors.
- (b) Extra seats had to be provided at the press table for reporters from all the Nationals, including the "popular press", Mail, Mirror, Sun and Express, as we had obviously angled the pre-Inquiry publicity on the fact that the boss of Vernon Pools was involved, which firm, of course, exists on the profits made from the little man, yet here was an example of the little man's rights and enjoyment being eroded for the purpose of private gain.

- (c) Amazingly, neither the R.D.C., who had advertised the Order, nor the County Council as highway authority, had thought it proper to send a representative to back the order. In fact, the R.D.C. handed over the whole proceedings to the Liverpool Solicitors representing the landowners, as their interests were “co-incidental”—and that word isn’t mine.
- (d) The only councillor to speak in favour of closure was a parish councillor—the 5th Column on our protest walk—who added a touch of comedy and at the same time an air of incredulity by saying that local people didn’t want the path because that would encourage townspeople to use it and it would follow that when they got to Swettenham they would want to use toilets and the parish council had no mind to provide this facility. Honestly!
- (e) A shocked hush fell on the proceedings when a local objector appealed personally to the Department of the Environment Inspector by saying that he was “the public’s only link with democracy”. That same objector, a local ratepayer, had said that if nothing else, he had learned that day “the shabby way the local council business is conducted”. This was widely reported in the press.

The Department of the Environment’s decision was, of course, a foregone conclusion as, for instance, the Daily Mail reported on the 7th March 1974 “Wealthy pools chief and racehorse breeder, Robert Sangster, came a cropper yesterday . . . over a footpath. His campaign to close an 1,100 yard public footpath was beaten by the Department of the Environment yesterday.”

The official report from the Department of the Environment said that beyond all doubt there was a need for the footpath as it was a useful pedestrian way and that its use would increase progressively if it were cleared and signposted.

Indeed, the Department of the Environment was, in this case, “the public’s only link with democracy”.

Throughout the proceedings our Vice-President, Arthur Smith, had been very ill and therefore could not play his usually active part. Yet it is to him, rather than me, who happened to get most of the media publicity and credit, that we owe our ultimate success, for he did all the early work and background digging necessary for me to present the facts to the public. Swettenham No. 3 was, in fact, his last great success and will remain as a living memorial to his dedicated life in the cause of footpath preservation.

WEST SUSSEX RATIONALISATION SCHEME

In February, 1970, the West Sussex County Council announced its intention to conduct a non-statutory review of all rural paths in the county, starting on 1st April. Tony Parker, Footpaths Secretary of the Southern Area of the Ramblers' Association, has recently reported progress on this attempt to achieve rationalisation under the existing law, and what follows is a summary of his findings.

In a recent report the county surveyor described the review as a "practical exercise designed to improve the network by finding better routes involving diversions and creations as well as the extinguishment of unnecessary paths". The objective was "to establish and keep open by regular inspection and maintenance a network of paths available for use". It closely conforms, therefore, to the original rationalisation concept set out in the Government white paper "Leisure in the Countryside (1966) and decisively rejected by the official Gosling Footpath Committee (1967).

The county's 126 parishes were grouped into 38 areas, the paths in each area were inspected and proposals made for each under four headings:—(1) paths to be retained (2) paths to be extinguished (3) new creations, including changes of status and (4) paths to be diverted. The proposals were sent for comment to the parish councils affected, but not to the R.A. and it was only after much pressure that copies of the proposals were supplied. Even so, maps indicating the effect of the proposals were refused, though the R.A. offered to pay the cost.

Although the county officially denies it, it is believed that the basic aim was to reduce path mileage by one third and to cut the cost of maintenance. Grounds given for closure included "no evidence of use", "discarded by the public", surplus to requirements" and "alternative facilities exist nearby". "Invasion of privacy" has also been given as a reason for diversion and many diversions around edges of fields have been proposed.

The R.A. inspected all the paths affected by the proposals and submitted "carefully considered and constructive comments" for each of the 38 areas. Some concessions were made by the county in respect of these comments and those of other amenity societies, parish councils and landowners. Subsequently Public Path Orders were issued, usually at least eighteen months after the original proposals, and because of this lapse of time the R.A. thought it necessary to re-inspect all the paths involved.

Consultation proposals have now been received for the last of the 38 areas, and Orders have appeared for 30 of them. No

disputed paths have been referred to the DOE as yet, and no public inquiries have been held, but it is expected that disputed orders for Areas 1-8 will be sent in soon.

So far, 343 Extinguishment Orders, 477 Diversion Orders, and a solitary Creation Order have been issued, but these refer only to about three quarters of the county. New paths are mostly being "created" by agreement with landowners ("dedication") and not by orders, and many of them are old rights of way omitted from the definitive map, or up-gradings from FP to BR. Altogether 73 creations by dedication have been confirmed. The R.A. lodged 361 objections to the above orders, but some were withdrawn after discussion with the county officials. The whole procedure could well last another three or four years.

The cost of the exercise is a secret, but it is believed to be in excess of £50,000. Although many of the proposals would, if implemented, benefit owners and occupiers, the ratepayers will pay the full costs. It is admitted that some unavoidable contacts with potential beneficiaries occurred before the initial proposals were formulated, whereas amenity societies were consulted in no case, and the county refuses to sell definitive maps or even to exhibit them in public libraries.

As the county has observed no time limit in dealing with its own proposals, some "condemned" paths have been left for years without signposting, maintenance or the removal of obstructions. Moreover, some landowners and residents do not understand that the orders are subject to confirmation and think that the paths have been closed already. On the other hand the posting of notices has drawn attention to the existence of footpaths and led to the formation of local footpath societies. Many of the paths designated for retention have been put in proper order and signposted by the county.

Mr. Parker admits that the West Sussex announcement in 1970 took footpath workers by surprise, and he points to the need for a well-organised protection system covering the whole country. His suggestions include regular inspection of all paths, publication of local guides and maps of footpaths, friendly liaison between F.P. workers and parish councils, prompt reporting of all obstructions to highway authorities to show that the public is interested, and letters to the local press. In particular, firm and speedy replies should be sent to any suggestions in the press for rationalisation.

F.H.

FOOTPATHS REPORT FOR 1974

Cheshire

Bucklow District. Items reported to the County Council include:—

Bollington F.P. 7. No footbridge over stream. **High Legh F.Ps. 4 and 7** obstructed by barbed wire, footbridge missing at 678831. **Mere F.P. 6.** Unofficial diversion. **Millington F.Ps. 7 and 8** blocked by hedges at Hope Cottages.

Ollerton F.P. 1 (Marthall F.P. 8). Essential footbridge missing.

F.P. 5. Obstructed by wire at junction with F.Ps. 12 and 13.

F.P. 8. Planted with potatoes.

F.P. 12. Ploughed and obstructed.

F.P. 13. Barbed wire obstructions.

Peover Inferior F.P. 4. Unofficial diversion. **Pickmere F.P. 9.** Bridge over brook destroyed. **Tabley Inferior F.P. 4.** Barbed wire at E. end. **Tabley Superior F.P. 1.** Obstructed by barbed wire near Yewtree House. Bridge at W. end destroyed. **Toft F.P. 1.** Footpath sign removed at Heesom-green Farm.

Congleton F.P. 62 Hollybush Farm. The inquiry held last year has been announced and the extinguishment has been confirmed, *but* subject to the construction of a new path involving flights of steps and zig-zags up Congleton Edge.

Macclesfield F.P. at Close House Farm. We supported the local R.A. Group in opposing a diversion, which has since been withdrawn.

Macclesfield Forest F.P. 19. A proposed diversion at Stake Side Farm has been agreed by the Society.

Gig Hall Footbridge, Wincle, River Dane. The long-awaited footbridge, to replace one destroyed by fire, should be available for use before the end of 1974.

Sandbach. Foundary Lane, Elworth. Foden Bros. are seeking closure of the lane which gives access to the Trent and Mersey Canal from Sandbach Station. We have objected and asked for a substitute footpath.

Warrington F.P. 28, Burtonwood. Although this path had been built over before a diversion order was applied for, the Secretary of State considered and confirmed the order because the building development was incomplete. He would normally refuse to do so under Section 210 of the TCPA 1971, if the development was complete.

Wilmslow F.P. 57. The Society is supporting the local Footpaths Society in opposing the closure of the path from Hough Chapel to the Edge.

Derbyshire

Barlborough F.Ps. 5 and 28. The county council proposes to divert F.P. 5, which was temporarily stopped up in 1962 in connection with open-cast mining, and at the same time to close F.P. 28. We are opposing the closure but would accept the diversion provided it is signposted.

Brackenfield F.P. 1. We are opposing an attempt to make permanent a temporary diversion order of 1962 for mineral workings.

Charlesworth F.Ps. 85 and 95. High Peak Council state that neither diversion nor closure orders have been made and that an obstruction will be removed.

Creswell and Holbeck F.P. 21. We objected to temporary closure of lengths of Frithwood Avenue and F.P. 21 in connection with tipping by the Coal Board likely to last for thirty years, and were represented by Mr. M. R. Milner at a DOE inquiry held on 26th July, 1974.

Curbar F.P. 15. Signpost indicating path through garden of new bungalow. We are accepting a proposed official diversion.

New Mills F.P. 170. The footbridge washed away at Rowarth many years ago is at long last to be replaced by the county.

Outseats F.P. 22. The proposed closure of this path from the A 625 road to Cunliffe House was abandoned by Bakewell R.D.C. because of local government reorganisation, but the owner may object to the path at the provisional map stage.

Shirland and Higham F.P. 43. No objection to extinguishment and creation of alternative path nearby.

Sparrowpit F.P. 94. From Sparrowpit to Rushup Lane (095821). The county has been asked to deal with an obstruction and "no right of way" notice.

Youlgrave F.P. 9. Application for planning permission to extend Conksbury Lane Quarry has been opposed because it would interfere with the enjoyment of people using F.P. 9 from Youlgrave to Over Haddon and adversely affect the vicinity of Lathkill Dale.

Greater Manchester

Altrincham. We are opposing the closure of "Windsor Road," a well-used footpath connecting Moss Lane with another path leading to King George Pool.

Bredbury and Romiley F.P. 48 at Castle Hill. We are opposing an extinguishment of this path recently proposed by Stockport M.B.

F.P. 57 from Otterspool Bridge to Higher Waterside Farm. Following prolonged pressure from Walter Brookfield of the Manchester Fellowship and our Chairman, Stockport M.B. removed the tree trunk obstructing the stile at Otterspool Bridge on 21st February, 1975, in the presence of the two gentlemen.

Droylsden, Water Lane. We have objected to the closure of part of the lane, which is on the line of the Roman road to Hope, and have asked for it to remain as a path.

Failsworth F.P. 50. We are objecting to an unsatisfactory diversion of this path which connects Woodhouses with Droylsden, crossing Brookdale golf course and the Medlock at Ash Bridge.

Heywood F.P. 101 at Nab's Wife. The new Rochdale M.B. have abandoned the diversion order issued by the former Heywood council.

Hindley F.P. 30. We objected to a proposed diversion on to estate roads and the developers have agreed to an alternative diversion we suggested.

Kearsley, High Stile. We have successfully opposed an attempt to close this old lane on the ground of alleged vandalism. It was our first experience of resorting to written representations in place of an inquiry, and the DOE upheld our contention that vandalism is not a legally valid reason for closure.

Longdendale F.P. 4 Meadowbank. The former U.D.C. admitted having applied for an incorrectly defined realignment and the DOE have cancelled the diversion order.

Stalybridge F.Ps. 79, 81 and 82. These paths were temporarily closed in connection with a new sports complex and diversion orders have now been issued. We have accepted the first two, but objected to a lengthy and incorrect diversion of F.P. 82 which connects Brushes Valley and Demesne Drive.

Turton F.P. 44 (Bradshaw). We have objected to a diversion of this well-used path near Stitch-me Lane, Harwood, and suggested an alternative.

Wigan. Whitley Crossing. We successfully opposed the closure of this level crossing which the Secretary of State agreed was in regular use and served a wide area.

Royton F.P. 22. A diversion of this path from Royton town centre to Thorp, which has already been built over, is being opposed.

Staffordshire

Leek, Ladydale F.P. (off Chadderton Road). Last year we objected to a diversion order made in the interest of builders who had already encroached on the path. An inquiry was announced, but after a protest walk the builders gave in and offered an acceptable alternative.

(Compiled by F.H. from the Society's Council Minutes).

SIGNPOST SUPERVISOR'S REPORT

Two additional signposts have been added during the year, in the Kettleshulme area, No. 173 Grid Ref. 984 767, kindly donated by the Altrincham & District CHA Rambling Club, this is near to Jenkins Chapel and goes in a northerly direction to Kettleshulme. No. 177 Grid Ref. 992 786 at Five Lane Ends going westerly for Charles Head, this was donated by the Stockport CHA Club in memory of Arthur Hayward, the ceremony will be held on Saturday, May 3rd, 1975, at 3.00 p.m.

The signpost No. 159 dedicated to Jack Pye by the Manchester Fellowship in 1972, a complete new sign was erected in April, and I am grateful to both Mr. Brookfield, and Mr. J. Odgen who so kindly removed the old sign and replaced the new one, and we are more hopeful that it will not be subject to vandalism in the future. A new plaque will be replaced shortly.

Mr. J. Odgen has been busy once again, painting more signposts in several areas of the society, many thanks are due to him for the continual work of this nature.

Mr. Brookfield has been busy marking the route (with permission from the local farmer) to our Footbridge, near to Broomycrofthead, Wildboardclough.

The footbridge was inspected and is most satisfactory.

The ceremony took place on Sunday, 13th October, 1974, of the signpost, No. 174 Grid, Ref. 984 826, north of Moorside Hotel, Higher Disley, the signpost was presented by the Stockport Field Club, to the memory of the late Mr. J. Johnson, he was a delegate for this club and a Footpath Inspector to the society.

I represented the society, and was moved by the number of friends present. Several members of the Field Club spoke of the good work Mr. Johnson had done for many years. He will be missed by many who knew him.

The society are most grateful to Mr. Pickup of Dissop Head Farm, who so kindly gave permission to erect this signpost at the position stated.

T. Ewart.

GENERAL EXPENSE RESERVE ACCOUNT AS AT 31st DECEMBER, 1974

1973			1973		
£		£	£		£
2768·48	Balance brought forward from 1973	2960·25	164·18	Transfer to Ten-Year Suspense Account	—
355·95	Surplus from Income and Expenditure Account	697·52	2960·25	Balance carried forward to 1975	3657·77
<u>£3,124·43</u>		<u>£3,657·77</u>	<u>£3,124·43</u>		<u>£3,657·77</u>

INVESTMENT RESERVE ACCOUNT AS AT 31st DECEMBER, 1974

1973			£		£
£		£	4,390·12	Balance carried forward to 1975	4,412·37
4,800·78	Balance brought forward from 1973	4,390·12	410·66	1967 Iron and Steel	—
—	Bonus Issues	22·25			
<u>£4,800·78</u>		<u>£4,412·37</u>	<u>£4,800·78</u>		<u>£4,412·37</u>

DEFENCE FUND AS AT 31st DECEMBER, 1974

1973			1973		
£		£	£		£
1,996·09	Balance brought forward from 1973	2,018·42	—	Expenditure during year	93·59
22·33	Donations received during year	72·78	2,018·42	Balance carried forward to 1975	1,997·61
<u>£2,018·42</u>		<u>£2,091·20</u>	<u>£2,018·42</u>		<u>£2,091·20</u>

BALANCE SHEET AS AT 31st DECEMBER, 1974

£		£		£		£	
FUNDS—				DEPOSITS AND INVESTMENTS—			
4,390·12	Investment Reserve		4,412·37	4,390·12	Investments at Cost		4,412·37
2,960·25	General Expense Reserve		3,657·77		(Market Value at 31.12.74, £5,000·00)		
241·08	Signpost Account		225·53	500·00	Manchester Corporation Loan		500·00
2,018·42	Defence Fund		1,997·61	2,151·05	Trustee Savings Bank Deposits		2,319·53
212·63	Survey Account		214·03	2,806·79	Bank Deposit Account		3,424·29
84·66	Edwin Royce Memorial Fund		79·66				
			10,586·97	£9,847·96			£10,656·19
LIABILITIES—				CURRENT ASSETS—			
275·10	Ten-Year Subscription Suspense Account	322·09		101·38	Tax Recoverable on Investment Interest	105·41	
23·20	Subscriptions and Donations in Advance	10·90		75·97	Other Debtors	50·00	
—	Accrued Expenditure	6·83		126·97	Cash at Bank	39·14	
			339·82	33·19	Cash in Hand	36·05	
				20·00	Petty Cash Float	40·00	
							270·60
<u>£10,205·46</u>		<u>£10,926·79</u>		<u>£10,205·46</u>			<u>£10,926·79</u>

G. S. COOPER, *Honorary Treasurer.*

LIST OF AFFILIATED SOCIETIES 1974

Alderley Edge, Wilmslow and District Footpath Preservation Society.
Barnsley District Footpath Society.
Barnsley Mountaineering Club.
Black Brook Conservation Society.
British Naturalists Association, Manchester Branch.
Bramhall Ratepayers Association.
Buxton Field Club.
Camping Club of Great Britain & Ireland.
Cheshire County Federation of Ratepayers & Kindred Associations.
College for Adult Education Rambling Club.
C.E. Holiday Homes, Manchester Section.
C.E. Holiday Homes, Sheffield.
C.E. Holiday Homes, Warrington Section.
C.H.A. Birch Heys, Manchester.
C.H.A. Altrincham and District Rambling Club.
C.H.A. Ashton under Lyne & District Rambling Club.
C.H.A. Bury & District Rambling Club.
C.H.A. Eccles Rambling & Social Club.
C.H.A. Leicester Rambling Club.
C.H.A. Leigh & District Rambling Club.
C.H.A. Manchester C Section Rambling Club.
C.H.A. Manchester D Section Rambling Club.
C.H.A. Mansfield Rambling Club.
C.H.A. Oldham Rambling Club.
C.H.A. Rochdale Rambling Club.
C.H.A. Sheffield Section B Rambling & Social Club.
C.H.A. Sheffield Rambling Club, Section A.
C.H.A. Stockport Rambling & Social Club.
Crescent Ramblers.
Denton & District Branch of the Pony Club.
Derbyshire Pennine Club.
Disley Society.
Good Companions Rambling Club.
Halcyon Rambling Club.
Hanliensian Rambling Club.
Hazel Grove & District Owner Occupiers Association.
Hazel Grove Fiveways Social Club.
Holiday Fellowship, Bolton Group.
Holiday Fellowship, Bury Group.
Holiday Fellowship Ltd., London.
Holiday Fellowship, Manchester Group.
Holiday Fellowship, Oldham Group.
Holiday Fellowship, Sheffield Group.
Holiday Fellowship Field & Fell Club, Rochdale Group.
Holiday Fellowship & C.H.A. Rambling Club, Buxton Group.
Knutsford Society.
Longdendale Amenity Society.
Macclesfield & District Field Club.
Macclesfield Rambling Club.
Manchester Associates Rambling Club.
Manchester & District Rambling Club for the Blind.
Manchester Fellowship (Rambling Section).
Manchester Pedestrian Club.
Manchester Rambling Club.
Mancon Rambling Section.
Marple District Rambling Club.
Moor & Mountain Club.
North Western Naturalist Union.

Poynton Rambling Club.
 Peak Wardens Association.
 Ramblers Association, Liverpool Area.
 Ramblers Association, Manchester Area.
 Ramblers Association, Nottingham Area.
 Ramblers Association, Derbyshire Area.
 Ramblers Association, Sheffield Area.
 Rucksack Club.
 Saddleworth Pedestrians Club.
 Sheffield Clarion Ramblers.
 Sheffield Co-operative Party Rambling Club.
 Sheffield Rambling Club.
 S.E. Lancs. Boy Scout Association.
 Spire Rambling Club.
 Stockport Field Club.
 Sutton in Ashfield Rambling Club.
 Thelwall Owner Occupiers Association.
 Towns Women's Guild Soc. Study Section.
 United Field Naturalists Society.
 Wayfarers Rambling Club, Manchester Section.
 Wayfarers Rambling Club, Nottingham Section.
 W.E.A. Stockport Rambling Club.
 West Pennine Bridleways Association.
 Y.H.A. Sheffield.
 Y H.A. Stockport.

THIS WAS PRINTED AS A POSTCARD.

PEAK AND NORTHERN FOOTPATHS SOCIETY

In November 1826 one of the world's first amenity societies (The Manchester Society for the Preservation of Ancient Footpaths) was formed to save a footpath at Flixton near Manchester. The Peak and Northern Footpaths Society (formed 1894) has some links with the early society and we are therefore celebrating 150 years of footpath work by the undermentioned special events:—

1. A walk over the original disputed path in Flixton which still exists. Meet 14.45 hrs. Sunday November 14th outside Flixton Railway station (GR746942)—back by 16.00 hrs. *Leader*: Donald Berwick.

2. A Celebration Dinner will be held on Monday, November 15th, 1976, at the New Albion Restaurant, High Street, off Market Street, at 7 for 7.30 p.m. Guest of honour—Tom Stephenson. Tickets £3 from the Treasurer (Rex Walsh, 90 Egerton Road South, Manchester M21 1XL).

3. A Footpath Exhibition will be held at Manchester Central Library (Local History Section, 2nd floor) during the first three weeks in November.

4. The publication of an anniversary booklet by Donald W. Lee, "The Flixton Footpath Fight," being a history and guide to the case including maps and illustrations. Price 50p plus postage from the Treasurer.

M. FREEMAN *General Secretary.*