

Peak and Northern Footpaths Society



ANNUAL REPORT 1981

Price 90p

PEAK AND NORTHERN FOOTPATHS SOCIETY

Founded in 1894; Manchester Association Founded 1826

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FOREWORD

Last year we criticised the proposals of the Wildlife and Countryside Bill, and now after prolonged debates it has emerged as an Act, important parts of which are already in force. In the interim we, and our more influential allies in the Ramblers' Association, have scored a major success and suffered a major defeat. The obnoxious plans to transfer all FP decisions to the local authorities were defeated in the Lords and not re-instated by the Government. Apparently the powerful farming interests were as distrustful of the local authorities as we were for which we should be thankful, if a little surprised.

Against this most important victory must be set the defeat on bulls, lesser evil of the two though it is. In place of the old patchwork of byelaws we now have a general law permitting farmers to keep bulls in fields crossed by public paths, provided they are not of recognised dairy breeds, and are running with cows or heifers. Bulls of the recognised dairy breeds - Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry - may not be kept in such fields in any circumstances, nor may any unaccompanied bull over 10 months old. By implication, accompanied beef breed and cross breed bulls may "safely graze" but farmers should take heed of other legislative obligations they may have under the Health and Safety at Work Act 1974, and the Animals Act 1971, which requires employers to avoid putting the public at risk as far as is reasonably practicable.

The Minister who introduced these provisions suggested that the public should be educated not to be afraid of a bull with cows - a singularly irresponsible statement. All bulls are untrustworthy and potentially dangerous as many farmers and farm workers have found to their cost. In future we shall have to be on our guard lest a group of cows couchant includes a bull.

Other provisions of the Act already in force include S.64 which extends signposting and waymarking requirements to byways "mainly used for the purposes for which FPs and BWs are so used;" S.62 which enables local authorities to appoint wardens for FPs etc; S.60 which extends the application of Traffic Regulation Orders to horse riders, and should make it easier to prevent riding on FPs; and S.61 which strengthens the ploughing regulations a little bit but not much. Farmers will no longer need to give notice of ploughing up a FP but must restore it within two weeks unless "exceptional weather conditions" prevent it - as they doubtless often will do. Unlawful ploughing, e.g. of headland paths and carriageways, will carry a penalty of up to £200 and Highway Authorities will have a duty to enforce this new requirement.

County Councils will now have no excuse for failing to enforce restoration of paths under S.134 of HA 1980, subsection 8 of which enables them to carry out the work themselves at the landowner's expense. This opens up the possibility of taking an unco-operative county to court for failing to perform its duties.

Sections to be brought into effect some time after 30/11/80 include S.53 which brings about radical changes of doubtful value and practicability in the law relating to public path orders and definitive maps. There will be no more reviews of definitive maps and statements after some, already at an advanced stage, have been completed. Instead, future additions, deletions, etc., will be dealt with by a continuous reviewing procedure and, regrettably, it will no longer be necessary to produce "new evidence" to secure deletion of paths already on the map.

The new procedure will operate by way of definitive map orders (DMOs) for specified paths, which will be of two kinds

- (a) those which merely give effect to amendments necessitated by other legal actions, such as the making of diversion or closure orders and
- (b) those based on evidence that a FP, BW or BY should be added to or removed from the map, or be placed in a different category. A DMO may also amplify or modify information in the relevant statement. Orders of type (b) will be processed in a manner similar to public path orders. Any person may apply for a DMO in respect of any path he thinks is public.

Under S.54, RUPPs must be reclassified as BYs if vehicular rights exist; as BRs if they do not; or as FPs if it is proved that there are no equestrian rights. S.56 overturns the *Suffolk C.C. v Mason* judgement so that the showing of a way as a FP will not prejudice the possible existence of higher rights. S.57 empowers surveying authorities to prepare "new" definitive maps, embodying modifications made by DMOs. These amended copies will become the definitive maps of the areas concerned, and it will be necessary to scrutinise them carefully to ensure that no paths have been accidentally, or otherwise, omitted. Authorities will be required to exhibit, as far as practicable in each parish, a copy of the relevant parts of the map and statement with copies of all subsequent DMOs.

Under Schedule 16 the requirement to advertise public path orders in the London Gazette is dropped, but the Society has applied to be included in the prescribed list of bodies which must be notified. Our work will be seriously affected otherwise. The requirements for diversion orders under HA80 S.119 have been seriously weakened and will be that the diversion is in the interests of the public or the owner etc., but as at present, must not be substantially less convenient to the public, and the effect on public enjoyment must be taken into account.

Finally, in the Chinese Year of the Dog, a sting in the tail for dogs and their owners. Schedule 7 amends the Dogs (Protection of Livestock)

Act 1953 S.1 by extending the definition of the punishable offence of sheep worrying to include allowing a dog to be at large (i.e. not on a lead or otherwise under close control) in a field or enclosure in which there are sheep - and what a lot of sheep there are nowadays. Farmers deserve our support in combatting sheep worrying, but it is usually the work of unaccompanied dogs. and we wonder if it is fair to regard a dog out for a walk with its owner as guilty of an offence unless it is actually chasing sheep. Sooner or later the courts will have to decide what constitutes "close control."

Here, we have only dealt with the rights of way section of the Act but the amenity and nature conservation interests are said to have fared even worse than we have. Exmoor and other moorlands are still at the mercy of voluntary agreements and the nature conservation interests have gained little. "Farmers first" is the underlying theme throughout and as the Times pointed out in a leader headed A Green and Pleasant Food Factory, at least a third of the cabinet own country estates. The Act was not conceived to help us - on the contrary.

FRANK HEAD

Abbreviations: FP = Footpath; BW = Bridleway; BY = Byeway open to all traffic but used mainly as FP etc; RUPP = Road used as public path; HA = Highways Act; S = Section; DMO = Definitive Map Order

THE ARCHIVES

We now have a small but dedicated team of people who attend on a fairly regular basis, usually meeting on Monday afternoons and some Thursdays, normally over a 3 hour period and concentrating on the various aspects of our documentation. A fairly complete list of our signposts and bridges has been compiled, together with their numbers and Grid References and this has all been card indexed together with a cross reference system. Work is also progressing on a marked site map. Most of this work has been done by one of our lady members who has given most of her time to this classification. A copy index list has also been supplied to the Peak Park Planning Board who are proposing to list many of our original posts as Peak Park Treasures.

The Society's large scale maps have been allocated on a shire basis, and further detailed classification with an index system is at present under way. We now have Definitive Maps for our areas of Cheshire, Derbyshire, Staffordshire, G.M.C., and Lancashire. The Lancashire Definitive Maps had to be purchased from the County at a cost of almost £100 for the areas of Blackburn, Chorley and Rossendale. This compares unfavourably with the generosity of the other Counties. However, thanks to the generosity of the Thos. Lockerby Trust, this charge did not fall upon the Society's funds, and we are very grateful for this assistance.

The general indexing of our records is proceeding steadily but progress is limited by the number of persons who can work together at any given time on this operation, and it may be that a further weekly session is required given that suitable volunteers are available on a fairly regular basis. Interested parties should contact the Chairman.

During the years it was found necessary to replace our aged copying machine by a more suitable model, and one has been purchased which gives a much lower copy cost than previously, and it proving to be a very useful and necessary piece of equipment.

The style of Archives does not fully detail the nature of our present activities and consideration should perhaps be given to a more descriptive title, - possibly Research and Records, as from our present activities may come the information to justify future claims and objections.

Appreciation must be recorded of our dedicated team of volunteers who have given of their time on this work, but additionally have assisted with the erection and maintainance of the Society's Signposts further details of which you will read elsewhere in this issue.

L.G.M.

MEMBERSHIP SECRETARY'S REPORT FOR 1981

Affiliated Societies

78 Societies were affiliated at 31st December, 1981 compared with 90 at the same time last year. 30 reminders were sent in June, 1981 to Societies who had not paid the 1981 affiliation fee of £2 and as a result 15 re-affiliated, 3 new Societies jointed in 1981.

Annual Membership

The total membership who have paid the 1981 subscription of £1 or £1.50 for married couples is 347 which includes 89 married couples. 80 new members joined the Society in 1981.

Ten Year Members

The total number of members who have paid a 10 year subscription is 171 which includes 2 married couples; 19 new members joined in 1981, 35 reminders were sent in May 1981 to members whose payments had lapsed in 1980 or 1981 and subsequently 24 members renewed their 10 year subscription.

Total Membership

The Society has 2 life members and the total membership at 31st December 1981 is 520 compared with 555 last year.

The Society is grateful for the continued support and for the generous donations given by affiliated Societies and individual members.

Ted Whittaker

COMMENTARY

Harold Wild Memorial Footbridge

We hope shortly to dedicate a footbridge re-erected at Rowarth as a memorial to the late Harold Wild who died on 6th July, 1979. It will carry a commemorative **plaque** with the words "This bridge was erected in 1982 in appreciation of Harold E. Wild, for long and dedicated service to the P & N Footpaths Society". Between 1924 and 1959 Mr. Wild was successively our FP Inspector for Derbyshire, the Society's Secretary, and finally Signpost Supervisor, after which he remained on the Council as a much respected elder statesman and Vice-President. At an earlier date he had assisted in the formation and running of the Manchester Ramblers' Council of 1919, the forerunner of the present Manchester Area of the R.A. His many achievements are recorded in our Annual Report for 1979-80.

The footbridge at Rowarth is situated about 130 yards NE of the Little Mill Inn at GR 011 890, and connects New Mills FP 170 from Long Lee, with the lane from the Inn to Rowarth village. It replaces one swept away by floods many years ago, and is particularly appropriate as a memorial to Harold Wild as he made many fruitless attempts to secure its re-instatement by New Mills U.D.C. Thus, in 1953 it was reported that the Ministries of Housing and Local Government and Transport "alike proved unhelpful" but in 1954 the local M.P., Hugh Molson, arranged a local inquiry and it was agreed to provide stepping stones, a solution "proposed by Mr. Wild years ago". In 1955 the cost was estimated at the then considerable sum of £70 and the Society, perhaps rather unwisely, refused to pay half of it on principle since the bridge was the responsibility of the U.D.C.

At a much earlier date we had offered to pay half the replacement cost of a bridge at Broomycrofthead, Wildboardclough, washed away in 1935, but the Macclesfield R.D.C. refused to pay a penny, and we re-erected it at our own expense in 1943. Our then Secretary, Thomas Boulger, lamented that originally this could have been done cheaply, but would now cost £32!

Now, after more than 30 years, the Rowarth bridge has been re-erected by Derbyshire County Council at a cost in the region of £1,000 which includes abutments, retaining walls and stepping stones across the "flood plain", as well as the plank bridge itself. We have agreed to raise a substantial part of it and we hope that members will subscribe generously in appreciation of Harold Wild's life-long devotion to the Society's work. A separate subscription form is enclosed.

Threat to O.S. Maps

Last year we reported that the future of the Ordnance maps which was threatened in 1973 and again in 1977 was again in the balance. This time the Minister, Mr. Heseltine, wants to set up a "trading fund" to replace the annual parliamentary vote which meets the needs of the Survey. This would change the status of the O.S. from that of a Government department to a sort of nationalised industry, and could be a first step towards "privatisation" and a less efficient and comprehensive service. When a similar change was made in the Stationery Office, it resulted in large price increases in Government publications. Worse still we now hear that the proposed contract with the O.S. will be subject neither to consultation with map users nor to approval by Parliament!

Why all this cheese paring of a very useful if not essential, public service? At present, Britain is probably the best mapped country in the world for a modest cost of around £21 M a year. Any savings made would be relatively small in relation to its usefulness, and the probable loss of the less profitable services such as the Second Series 2½" Pathfinder Maps, which are of great value to all sorts of people from soldiers and town planners to teachers and ramblers. The Survey has only recently caught up with the damage done by the "Geddes Axe" economies between the two wars. The threat to the 2½" maps is particularly serious for us and members would do well to lodge objections with their M.P.s.

Heavier Lorries

The Department of Transport is still hoping to authorise 40 tonne lorries, but has met with massive opposition from the public including a number of Tory M.P.s. It now appears that the specious claim that heavier lorries will mean fewer lorries and lead to an environmental improvement only means that the expected increase in lorry numbers may be somewhat less if bigger ones are accepted --- and that is not at all certain. Following a largely hostile debate on 9th December, the Government agreed to listen to further evidence, and at the time of writing an Order was expected to be tabled in March.

Disused Railway --- Rosehill (Marple) to Middlewood

Our Chairman has been monitoring plans for the conversion of this section of the former Marple to Macclesfield railway line into a through way for walkers and horseriders, and he hopes that

the Macclesfield authorities will agree to extend it south of the Stockport District boundary. We hope that segregated facilities will be provided for riders and walkers, but this will not be possible at all points.

Our Derbyshire Signposts

The County Council has been reminded that they took over our Derbyshire signposts in May 1966, and the Council has replied that they are anxious to preserve "these historical reminders of the Society's efforts in the past".

Lose Hill Footpaths

The Society, along with the Manchester and Syned Areas of the R.A., was represented at two meetings called by the Castleton Parish Council to discuss difficulties with landowners in respect of certain public footpaths. It was suggested that paths at Only Grange should remain as they are, but that a rationalisation scheme might be agreed at Fields Farm and Riding House Farm provided that a new path to the Lose Hill ridge was conceded, but not otherwise. The Society and the Areas had previously agreed to a slight diversion at Lose Hill Farm, but no Order has yet been advertised.

Lancashire County Council Bill

The County is seeking powers to close FPs and BWs temporarily for an unspecified period "for the execution of works" and has refused to agree to any time limit. We are therefore joining with the national R.A. in petitioning against the Bill.

Ennerdale Water and Wastwater

Although not directly concerned we share the joy of the Friends of the Lake District and other amenity bodies on learning that the Government has rejected the proposals to raise the **levels** of these two magnificent lakes to augment the water supplies of the water authority and British Nuclear Fuels. It is a major victory for the principle of "amenity first" in National Parks, so often disregarded by Government when powerful interests are involved.

Highways Act 1980

This Act consolidates the provisions of several other Acts concerning public rights of way and replaces the 1959 Act, but has

itself been amended already by the Wildlife and Countryside Act, 1981. Suffice to say that the familiar 1959 Sections 108 concerning magistrates Court orders, 110 and 111 concerning a highway authority's powers to close or divert FPs or BWs, are now Nos. 116, 118 and 119 respectively of the 1980 Act, S 59 of the 1959 Act, which concerns enforcement of an authority's liability to maintain a highway is now S 56.

Removal of Obstructions

In our 1979-80 Report we drew attention to HA 59 S.116(6) -- now replaced by HA 80 S.130(6) -- which requires a highway authority to take action on representations made by a Parish council if there is strong evidence that an obstructed path is public, even though the evidence is less than conclusive. The authority could only refuse if they had strong evidence that the path was **not** public. In a recent case (*Rex v. Lancashire C.C. ex parte Guyer*) the Court of Appeal has ruled that an individual has no similar right, and that the authority need act only at his request in respect of highways that are public beyond dispute.

Fair or Unfair?

Following an inquiry into Cumbria's draft revised map the inspector concluded that Irthington FP 119007 was public, but thought it unfair that the path should pass near the objector's house, and therefore recommended that his objection should be upheld, and a diversion negotiated! The Secretary of State confirmed it, but when the county applied for a judicial review he did not oppose it and subsequently dismissed the objection. Cumbria's solicitor commented that once the right of way was established fairness or otherwise was irrelevant.

Short Circuiting

In January 1981 Newbury DC (Berks) confirmed an extinguishment order and refused to disclose when it had been issued until taken to the High Court by the R.A. They then admitted that it had never been published and their confirmation was quashed.

Beware of Sheep

Dog owners should read the last part of the Foreword.

Gloucestershire Footpath Obstructions

A survey carried out by the Gloucestershire Area of the R.A. has shown that some 44% of its 9,000 FPs, BWs and BYs are

obstructed in one way or another! Between 500 and 800 foot-bridges are missing and about a quarter of the stiles need replacement or substantial repair. Not a single ploughed FP has been restored. We wonder what the situation might be in our own district if we did not have a vigorous and vigilant Foot - path Society protecting it.

Acknowledgement

For some of the above items we are indebted to the R.A. "Footpath Worker" Vol. 5 No. 3.

Frank Head

REPORT OF THE GENERAL SECRETARY FOR 1981

It is once again my pleasure to present for your consideration, my report for the year ended 31st December, 1981.

It is only when I sit down to compile my report that I fully realise just how much has been undertaken during the year, for example we have made written observations on no less than 21 District, Local and Subject Plans covering the whole of our area, we have lodged complaints with regard to over 100 obstructed paths and have sent some 200 follow-up letters to local authorities who are often very reluctant to reply. With your support, we will continue to keep up the pressure.

On-going cases

There are two matters on which I reported last year which are still receiving our attention.

I wrote last year of our problems with Blackburn B.C. and the obstructed paths at Turton. I indicated that I had sent 5 reminders before the Council asked for a copy of my original letter and I regret to have to inform you that the sorry saga continues. I duly sent off a copy of my letter in January, 1981 and 4 more reminders. All remained unanswered so in desperation, in December I wrote again in rather a sarcastic vein saying "I get the impression that I am being ignored, is that a reasonable assumption?" This brought forth a telephone call saying that they had in fact replied on the 22nd November, 1981. When I checked my files I found that the letter of the 22nd November to which they referred concerned a completely different matter, namely paths at Darwen. Blackburn really are in a confused state the case continues.

The other on-going case concerns the footpath Bredbury & Romiley 4 which is badly obstructed and on which Stockport M.B. said last year they were not prepared to take action. There is no change in the condition of the path and the Council have again indicated that they intend to take no action. This is now becoming a serious matter and will need to be taken up with a higher authority.

The age of the footbridge

In this ~~the~~ age of the train, we once again find ourselves in dispute with British Rail and the Greater Manchester Council with regard to two footbridge cases.

The first involves a complaint which we have raised with the Ombudsman with regard to the now non-existent footbridge at Trinity Street, Bolton (see last year's Footpath Report) In this, we alleged maladministration against Greater Manchester Council in that they had failed to carry out the quinquennial review of definitive maps and as a result the Society had been prejudiced. The Ombudsman declined to accept the case, though he accepted that the Council had failed to carry out its statutory duty. It is just possible that we might have accepted his decision without question if it had not been for one of the reasons he gave, namely "In the circumstances I consider that my own further involvement would mean an unwarrantable commitment of scarce public funds". So here we have a situation where an additional factor has been introduced into the Ombudsman's thinking not only do we now have to prove maladministration, but if it costs too much to investigate or put right the wrong, then the offending authority has a "get out" clause of "finance not available". This must surely be the end of the Ombudsman's credibility. We have often said that he is a "Toothless Individual", but this latest decision confirms our worst suspicions. We are now trying to arrange for questions to be asked in Parliament.

The second case is one of the more important and time consuming ones this year and involves the closure by British Rail of the overbridge at Cromley Road, Bramhall Moor, Stockport. Grid Ref. 903871. This very substantial bridge carries a non-definitive footpath over the Manchester to Buxton railway line and B.R. have decided that they no longer wish to maintain it and have offered it to the local authority who have declined to accept the offer. There is now the prospect of demolition. The Society, together with the Woodsmoor Residents' Association have provided evidence of pedestrian use as of right for over 50 years, and this evidence has been submitted to the Greater Manchester Council who have declined to accept it for reasons best known to themselves. There are a number of very important principles at stake in this case, so the Society's Council have decided to seek the advice of a Solicitor, and Mr. J. J. Pearlman of Leeds, who is the Ramblers' Association Honorary Solicitor, has accepted the invitation to act for the Society.

Conclusion

In conclusion may I once again take the opportunity to thank all those who have assisted me during the year, particularly the Footpath Inspectors. May I also make my annual plea for volunteers to take over any of the vacant inspectors areas or indeed part thereof. I would be more than pleased to hear from members who are interested.

Derek Taylor

FOOTPATH ANARCHY AHEAD says Don Lee in his report for 1981

As a change, this year's note is of a general nature and concentrates on drawing attention to certain disturbing trends which became apparent in 1981, citing by example certain of the individual cases mentioned in the General Secretary's Footpath Report.

Local Authorities have often been incompetent over footpath issues but never more so than Derbyshire C.C. were over the Moreton debacle and as a result of that case we found that over SIXTY footpaths had been illegally closed or diverted on the initiative of Council Officials without the authority of their County Council.

Another notable blunder was by West Lancashire District Council where a top council officer had to make a plea to a government inspector on the morning a public hearing opened into an UPHOLLAND footpath, that the Council could withdraw THEIR OWN ORDER due to mistakes! It is cases such as these, where naturally the society is claiming its costs, that lead me to wonder about the future of local government.

Certainly there has been an alarming stiffening in attitudes from Councils where, after inquiries or hearings, we have won cases.

Cheshire County Council, unsurprisingly, having regard to their generally deplorable record on footpath controversies, surpassed themselves at NETHER ALDERLEY and MOBBERLEY. Are we seeing here an environmental manifestation of general local council anger and unwillingness to toe the line and accept the rules that seems to have become common of late in the power struggle between central and local government?

Not that the Department of the Environment give us much to smile about. They apparently meekly accepted a court ruling which Oldham Council obtained for reconsideration of a decision

in our favour following a public inquiry hearing over a FAILSWORTH footpath and too readily reversed their first decision.

And what have we to look forward to in 1982? The Wildlife & Countryside Act, where all footpath users have been short changed and our rights diminished.

The London Gazette safeguards will go (the Councils will in theory notify us - with their level of competence, some hopes), alterations for the benefit of landowners will be allowed (so we shall be plagued by privacy and security diversions and endless tinkering with the definitive and O.S. maps) the procedures for adding paths to definitive maps by the public will be far too onerous (claimant i.e. us, will be expected to locate all landowners for individual notices to be fixed on private land etc.) whilst, perhaps most shameful of all, the definitive map itself will be up for challenge and will not be worth the paper it is printed on.

If those in power have decided that footpath anarchy shall rule in the countryside they should be forewarned of big trouble ahead.

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FOOTPATH REPORT FOR 1981

CHESHIRE COUNTY COUNCIL

Appleton F.P. 28 (Warrington B.C.) The Society received complaints that this path terminated at a barbed wire fence adjacent to an industrial estate at G.R. 650845. Enquiries revealed that the path was closed under the War Works Act 1945 to protect the Royal Naval Air Station at Stretton, but the site has now become an industrial estate. Attempts are being made to have the path re-opened to the public.

Ashley F.P. 7/Mobberley F.P. 70 (Cheshire C.C.) One of the year's success stories, the missing bridge over Sugar Brook at G.R. 767833 was replaced with a new structure in September.

Brinlow Lane Road, Nether Alderley (Cheshire C.C.) This is an old green track off Artists Lane, rescued from oblivion in 1979 by local enthusiast Paul Sorenson following a Crown Court hearing. Having lost the case, Cheshire County Council sought a stopping-up order with, deplorably, the National Trust as owners actually supporting extinguishment. A concerted attack on the proposals before Magistrates resulted in the track remaining as a Bridleway. The Society were joint objectors with the Ramblers' Association, Y.H.A., B.H.S., Byways & Bridleways Trust, Wilmslow & Alderley Edge Footpaths Society as well as local riders and walkers. Regrettably, as we go to press the track still remains closed though the County have agreed to investigate the position.

Mobberley F.P. 13 (Macclesfield B.C.) See last year's report. Following a lively inquiry the D. of E. Inspector recommended against closure of this long-obstructed path due to its clear potential as a connecting footpath in the network. He also criticised the County Council for allowing the path to remain obstructed. The Secretary of State agreed with the inspector and therefore refused to grant the order. This, ordinarily, should have been the end of the matter and the path should have been re-opened but agitation by landowners, and behind the scenes moves, have resulted in the County Council making an announcement that they intend to try for closure once more, this time through the Magistrates Court. We shall of course be opposing any such application but this deviousness, coupled with the example at Alderley above, shows some measure of the lengths to which Cheshire C.C. will go to evade their responsibilities.

Mottram St. Andrews F.P. 6 (Macclesfield B.C.) This was a rather selfish diversion proposal which had unfortunately been pre-judged with help from official sources. The Society and the R.A. objected but the diversion was confirmed by the D. of E. though they did criticise the Bollin Valley Partnership for their part in the affair.

Newbold Astbury F.Ps 4 & 4a (Congleton B.C.) This RUPP/FP crosses Astbury Golf Course and for some years the Golf Club have been

trying to get it moved from its present direct line (giving good views) to a longer and more enclosed one. There is also local opposition to the proposals and the Society has lodged objections to the advertised diversion.

Northwich F.P. 17 (Vale Royal D.C.) This path is already obstructed by a security fence belonging to the Council, and also by a scrapyard. There is a possibility of negotiating a parallel path on future open space.

Poynton F.P. 13 (Macclesfield B.C.) A diversion proposal ostensibly for development but really for security/privacy. The path does not need to be moved at all and the Society has objected. The D. of E. have refused to confirm the order on a technicality.

Somerford F.P. 2 (Cheshire C.C.) This path is in danger of being lost due to the fact that some years ago there was a landslip where the path skirts Radnor Wood, the path line now being in the River Dane. We have asked the County to reinstate the path on a new line but there appears to be some reluctance to do this. The landowner is not prepared to set back a fence to allow further land for the path, nor is he prepared to entertain a dedication agreement. The Society is co-operating with the R.A. Congleton Group in an attempt to secure a site meeting with all concerned (G.R. 835645).

Sutton F.P. 32 (Cheshire County Council) A long standing dispute with the landowner had resulted in the blockage of the stile where this path leaves the A54 Congleton to Buxton Road at G.R. 940674. At the moment, following joint representations by the Society and the R.A. East Cheshire Group, the path is open. Members are asked to make good use of this path and to report any further obstruction.

Woolston 25a (Warrington B.C.) This riverside path was obstructed by a wire fence where it leaves Weir Lane, Martinscroft. G.R. 654888 but following our complaint a stile was erected by a team from the Mersey Valley Partnership and the path is now open. This case is described to indicate the extremely good relationship which has been established between the Society and the "Partnership" Officers and is the first of several footpath restoration schemes in the pipeline.

DERBYSHIRE COUNTY COUNCIL

Aston F.P. 7 (High Peak B.C.) See last year's report. Briefly, an application to divert a cross-field path on to a line round the edge of the field inside the hedge line, thus destroying absolutely the short-cut value of the path. The County Council want to do a deal with the farmer for extra land and are using the path as a pawn in the negotiations. The Society said No! to these proposals in 1977 and we can see no good reason to change our mind in 1982. G.Rs. 182823 to 183827.

Chinley F.P. 6 (High Peak B.C.) Another case of an obstructed footbridge. British Rail are apparently fond of taking it upon themselves to close bridges after they have allowed them to fall into a state of disrepair. This case is one such, the bridge carries the path over the now disused Gow Hole sidings and was illegally closed by B.R. in the early part of the year. Following representations by the Society the bridge was repaired and the path is now open again.,

Chisworth F.P. 26 (High Peak B.C.) Very early in 1980 the attention of the Society was drawn to the fact that some form of development was taking place across the line of this path and a stile and gate had been submerged under a mound of debris judged to be some 15 to 20 feet high G.R. 994923. An urgent letter to the local authority brought the response that planning consent had been granted for an "all weather riding surface & hard standing for horse box" (presumably across the line of path). Thanks to our being alerted at an early stage the situation was quickly resolved and the path is now open on its correct line.

Clay Cross F.P. 41 (N.E. Derbyshire D.C.) This was one part of a package deal to re-organise the paths through and around Clay Cross Works to which we objected. The path had been long obstructed and the alternative route was by a main road. Because of the complicated nature of the order issued in 1977 we were the only objectors and we decided to elect for the "written representation" method of objecting. The result has now been announced and it is that the path should not be closed because the main road alternative is not an acceptable one. This was a useful decision particularly as it was by written representation and involved a rationalisation scheme.

Chapel/Whaley Bridge By-Pass This has been agreed by the Minister for Transport for construction in the next few years. Originally there were to have been over a dozen unnecessary closures & diversions, but following a campaign (which included stopping the road inquiry 2 years ago on a technicality) the road-makers demands have been moderated and most paths will be diverted marginally or left to cross the road on the level.

Dronfield B.W. 12/F.P. 17 (N.E. Derbyshire D.C.) The Secretary of State dismissed bridleway diversions on to main roads (there were 30 houses built over the route) in favour of a possible alternative involving an upgrading of footpaths to bridleway status and a partial creation link. This will have to be carefully watched but is probably the best solution. The footpath extinguishment was accepted by the S. of S. which is a pity because it involves walkers using the same main road as the one proposed for the bridleway route. Thus we have lost out on retaining an important North/South link, solely because the developer (Tarmac Homes) had transgressed, because otherwise there would have been no doubt that the link could have been and should have been retained.

Glossop 40 (Derbyshire C.C.) This was the most unsatisfactory case to come along in the early part of the year and involves Derbyshire C. C. making application to Glossop Magistrates for permission to close a 75 yard section of a path known locally as "Flag Fields". It is an old stone flagged path with a footbridge which is in slight disrepair. Already the portion of path has been temporarily closed for 2 years awaiting bridge repairs (it is only the handrails which are defective and is perhaps half a days work for a work team) and the obstruction put there to prevent use is regularly broken down. The alternative route is by a new estate road and a main road, which is twice as long. Subsequently, a site meeting was held which was a biased gathering called by D.C.C. solicitors who invited all those living adjacent who were objecting to the path, but failed to invite even one of the 80 or so signatories to a petition demanding that the bridge/path be retained. Fortunately the Councillor chairing the meeting had taken note of the bias and the Council have now withdrawn the application and are to carry out permanent repairs to the bridge.

Moreton Tip (N.E. Derbyshire D.C.) Without doubt the year's most hilarious yet disturbing case. This concerned a footpath diversion over the notorious toxic waste tip at Moreton near Clay Cross which local people had been trying to close down for years but with no real success, because, we suspect, of the attitude of certain Derbyshire County Council Officials. A four-day public inquiry was declared illegal and ultra vires following a vigorous two-day cross examination of the Council's evidence by Don Lee the Society's Closure & Diversions Secretary, during which he dragged out the appalling fact that the County Council had not given permission for the diversion order to be advertised let alone proceed as far as a public inquiry! The Legal Officer concerned made the excuse that he thought that officers had delegated powers to do so. The electric atmosphere and the faces of the officers were, Don reports, a sight to behold. Naturally the Society is claiming its not-inconsiderable costs for this aborted action.

Sutton B.W. 10 (N.E. Derbyshire D.C.) See last year's report. The Secretary of State dismissed the Council's application for diversion. This was an important decision for had we lost the case (the path had been obstructed for more than 50 years) walkers would have been diverted on to an existing road which is already a right of way, and a precedent would have been set. An interesting part of the Council's case was that they maintained that the definitive map was wrong and the path concerned was not a right of way. As we close for press we hear from our local contact that the County Council are refusing to meet their responsibility to re-open the way and a close watch will have to be kept on this issue.

Unstone F.P. 16 (N.E. Derbyshire D.C.) A new case, basically a privacy diversion application using the Highways Act.

GREATER MANCHESTER COUNTY COUNCIL

Ashton-under-Lyne F.P. 32 (Tameside M.B.) An interesting obstruction case where the Council have allowed a club house and two lacrosse pitches to be constructed on Council owned Public Open Space. One of the pitches is across the line of path and the Council say that there is no question of the path being obstructed and give the following reasons 1. The path is not visible on the ground. 2. The pitch is only likely to be used once or twice a week. 3. The land is owned by the Council and is designated Public Open Space. We have accused the Council of being totally naive in its appreciation of Highway Law and await their reply with interest.

Altrincham F.P. 7 (Trafford M.B.) A TCPA Sect. 210 application of an apparently routine nature and not in any way anticipated, however only one third of the length is the subject of a planning application, the other two thirds being owned by the National Trust. The proposed diversion, although away from roads will be via boggy land. Following our objection, we received assurances on construction. The role of the National Trust here again gives cause for concern.

Atherton F.P. 40 (Wigan M.B.) This path was the subject of a temporary closure order in March, 1980 to allow repairs to be undertaken on a collapsed culvert. The order expired in June 1980 and was not renewed, neither was the work carried out and the closure barriers remained. We drew the attention of the local authority to the situation and they said that they cannot carry out the repairs and will remove the barriers, which prompts the question "why was it necessary to close the path in the first place?" There was obviously no danger to the public. This case highlights the need for members to watch for and report "temporary" closures which go on and on and on.

Cheadle F.P. 3 (Stockport M.B.) This is one of the late Harry Gilliat's favourite local paths and runs off Mill Lane towards the old Cheadle Station. Due to office development (within the green belt) by a firm of consultants, there has been interference with the path making what was always a dry path now muddy underfoot. They propose, for privacy reasons, to divert it through a tree belt where the surface in winter is even more boggy. Also point to point it is not as direct and involves the use of a short section of road. There is to be a hearing in February.

Delph F.P. 125 (Oldham M.B.) An apparently minor amendment to the line of a footpath at Carr Gate, which looks reasonable on maps, but on the ground would be on poorly drained land with a hedge requiring constant trimming beside any new route. The present route is over rough pasture/moorland and has already been blocked once (now cleared) by a property developer who has apparently had permission to extend into the Green Belt in rather suspect circumstances. The various twists and turns would fill a book. Objection has been lodged some time ago since when nothing has been heard.

Dunham Massey F.P. 15 (Trafford M.B.) An obstruction case with doubt being cast on the definitive status of the path which runs from G.R. 729898 to 732898. The path line is ploughed out and the footbridge is missing but the path is signposted at each end. The local farmers say that there has never been a path, but we have local evidence to the contrary. Trafford B.C. seem to be "sitting on the fence" whilst we continually prod them into taking action. There is a suggestion that the farmer would like to use the field through which the path passes as a "pick your own fruit" field. The path therefore would be something of an embarrassment!!

Failsworth F.P. 21 (Oldham M.B.) See last Annual Report. After the Secretary of State issued his decision in our favour, the case went to a Judicial Review since Oldham M.B. considered the D. of E. to have erred at law. After this review, to which we were not parties, the D. of E. were ordered to reconsider the situation which they have now done and the result is that the path will now be diverted. The crux of the matter is apparently that a path can be diverted on to a route already used by the public. A damp-squib ending to a 10 year battle, although we have still saved 90% of the old towpath from The Roxy at Hollinwood to Roman Road, Failsworth.

Golborne F.P. 13 (Wigan M.B.) This was a TCPA Sect. 209 case with the local authority proposing to sever a lane to allow an extension of Haydock Park Racecourse. The alternative offered would be a dedication on the same line which would be closed for a maximum of 20 days per year. It would not be a formal right of way and would not therefore appear on the definitive map. The Society opposed this at a public inquiry and put forward an alternative strategy - no order is necessary, race course stewards would be posted both sides of the track during races as happens at other Courses. A similar situation to a level crossing - one does not cross when a train is approaching, likewise with the horses. Result awaited.

Marple F.P. 64 (Stockport M.B.) This case has already occupied the Society's time since the mid 60s. There have already been 3 orders and 2 inquiries. The latest TCPA Sect. 210 application seeks to route the path via a ginnel and on an estate road in place of the previously agreed open space. G.M.C., because it suits them and despite their anti-ginnel policy, have agreed the application. We lodged an objection and the order was later withdrawn. We await the next move.

Stockport F.P. 135 (Stockport M.B.) This case concerns the TCPA Sect. 210 path which we saved in 1980 when the D. of E. refused to confirm the Council's application. Now the developer, Gordon Emery & Co., have submitted revised and more extensive plans which not only again interfere with the path, which is on the site of the old Heaton Mersey Station, but would also ruin the intended linear footpath along the old line to Didsbury. Stockport Council suggested that we might like to support them at the planning appeal, and this we did.

LANCASHIRE COUNTY COUNCIL

Forton F.P. 17 (Wyre B.C.) Though outside our area we objected to the closure of this footpath crossing of the main electrified line between Preston and Lancaster. The Parish Council were only concerned with the danger aspect. The only alternative route is far longer and the path in question links with others in popular "rambling" country. Hearing held and result awaited.

Penwortham F.Ps 47/49 (South Ribble B.C.) A TCPA Sect. 210 application involving the unnecessary moving of a perfectly good path (between garden backs) on to an estate road. Hearing scheduled in 1982.

Turton (Edgeworth) 119 (Blackburn B.C.) This path is one of many in the Edgeworth area where there has been deliberate obstruction of paths. The one in question runs from G.R. 757178 to 758169 and is obstructed by barbed wire. Blackburn B.C., it must be said, do not seem over concerned about footpaths (see General Secretary's Report) so there is a need to keep up the pressure.

Upholland F.P. 44 (West Lancs. D.C.) This is a Closure/Creation under the Highways Act 1980. There has been no prior consultation and there are several unsatisfactory features. This is a privacy application and the alternative will be longer and fenced in, whereas the present path is over an open area. There is a history of past disturbance by a new owner renovating an old farm into a large residence. The D. of E. scheduled a hearing but this was abandoned at the request of all parties when a West Lancs D.C. official made the admission that the order was at variance with the facts! Whilst this case is in no way comparable with the Moreton (Derbyshire) debacle above, it does indicate the incompetence of some local authorities.

Whitworth F.Ps 74, 111 & 113 (Rossendale B.C.) Rossendale is another Council which has to be constantly reminded of its responsibilities with regard to footpaths and these three are typical of others in the area. F. P. 74 is in urgent need of a signpost where it leaves Lloyd Street. F.P. 111 is obstructed at two points G.Rs 877181 and 877183. F.P. 113 is obstructed by stone walls at G.Rs 876178 & 874179. All these obstructions were reported to the Council in September, 1981 but as we go to press we have not yet had the courtesy of a reply to our original letter or indeed the first reminder.

Wilpshire F.P. 26 (Ribble Valley B.C.) A TCPA Sect. 210 order for a quite unnecessary closure which would re-route a hill top path on to an estate road. Two thirds of the length of the path is not affected by the development anyway. Since lodging an objection nothing has been heard and we are hopeful that the order will be withdrawn.

MERSEYSIDE COUNTY COUNCIL

Newton-le-Willows F.P. 10 (St Helens M.B.) A Highways Act application for the extinguishment of a path near Earlestown's "Mucky Mountains"/ Vitreol Square. The path was obstructed in 1970 and has some potential in whole or part as a link with an industrial estate. The application was adjourned "sine die" after several inconsistencies were pointed out.

SOUTH YORKSHIRE COUNTY COUNCIL

Dalton F.P. 8 (Rotherham M.B.) This is a TCPA Sect. 210 application supported by the Local Education Authority, to get rid of a path crossing a school playing field (for which the use of Sect. 210 is suspect). Also Barratts the housebuilders want to get rid of a straight 350 yard section and replace it by a 600 yard alternative on estate roads and walkways that change direction 15 times and fragment the path. Barratts would have been prepared to compromise but there is a Council Officer with inflexible views who is preventing meaningful negotiations. The Fourth diversion application has recently been withdrawn!

Maltby F.P. 2 (Rotherham M.B.) A TCPA Sect. 210 devious diversion on to the line of a non-definitive, but well used path. The Society's officer found, on inspection, that there were houses across the line of path, built, sold and occupied for up to 2 years, after he had been told verbally by Council Officers that there had been no anticipation of the application. Developments awaited with interest.

Oxspring F.P. 13 (Barnsley M.B.) There is a house built across the line of this path, but during a joint inspection of the possible diversion line it was noted that the path was also obstructed at its North end G.R. 272023. The County Council have been asked to investigate and have agreed to do so.

Wombwell F.P. 18 (Barnsley M.B.) A Highways Act extinguishment of a path obstructed by development, though a minor diversion around one plot seems all that is required. Negotiations are proceeding but in the meantime the closure order has been withdrawn.

STAFFORDSHIRE COUNTY COUNCIL

Alstonfield F.P. 65 (Staffordshire Moorlands D.C.) This is one of a number of paths in the area where obstructions have been reported but it is pleasing to be able to report that a great deal of work has been carried out on this path, including the erection of a new stile. It is even more pleasing to find that the work has been carried out by the landowner.

Checkley F.P. 6 (Staffordshire C.C.) A Highways Act closure with no prior consultation by the County Council. The path is blocked by a new retaining wall for a new house. Path would no doubt be used if it was free of obstruction. Correspondence continues.

Farley F.P. 44 (Staffordshire Moorlands D.C.) Our attention was drawn to obstructions on this path in July and our local Inspector confirms that the path is very overgrown and is crossed by a new galvanised fence, without stile. This path and fence are on the Bamford Estate (J.C.B.). Whilst investigating this obstruction our Inspector found Farley 23 to be obstructed and Ramshorn F.Ps 5 & 9 to be partially under the surface of a J.C.B. lake. The Local Authority have been asked to comment.

Leek F.P. 8 (Staffordshire Moorlands D.C.) This is a case of an obstructed path with the landowner disputing the fact that a path exists, thereby challenging the definitive map. Staffordshire County Council were originally contacted in 1978 but in keeping with their normal practice have provided vague replies and have not really made any progress in resolving the matter. They are being constantly reminded of their statutory duty.

Parkhouse F.P. 13 (Newcastle-under-Lyne B.C.) The Council want to clear the area of this path so that they can sell off the land for industrial development. A new public footpath has now been offered so we shall not maintain our objection.

Whitgrove F.P. 4 & 9 (Staffordshire C.C.) This is a closure application outside our normal area but the closure is a very bad one, the path being obstructed in 9 places over 1 mile. The only alternative is a Tarmac road. Latest information is that the application has been withdrawn, perhaps due to the strength of the opposition.

WEST YORKSHIRE COUNTY COUNCIL

Batley F.P. 47/Morley F.P. 101 (West Yorkshire C.C.) Our local Inspector recommended that we raise objection to the unreasonable line of the diversions proposed for a toxic tip and the Society agreed. An inquiry is awaited.

Todmorden F.P. 2 (West Yorks. C.C.) See last year's Report. An important H.A. case with W.Y.C.C. trying to get the path removed from the definitive map because they didn't consider it to be a public footpath. The D. of E's decision is now to hand. The path can be closed, but not on the grounds that the path was added to the definitive map in error (WYCC's main argument) but that it serves little purpose. Therefore, whilst the landowner is happy, WYCC did not get the "precedent" decision we suspect they wanted.

D.T.

SIGNPOST MAINTENANCE 1981

Dec. '80	No. 7 Tunstead Milton. Renovated
Apl. '81	No.80 Whaley Old Road . Renovated & re-lettered
"	No.157 Reeds Bridge, Kettleshulme. Re-erected & re-lettered
"	No.158 Charles Head, Kettleshulme. Re-erected & re-lettered
Sept.	No. 24 Lydgate Farm, Chapel. Renovated & Memorial Plate affixed
"	No. 27 Crossings, Chapel. Renovated
"	No.152 Moorside, Hr. Disley. Renovated & re-sited
"	No.182 Near Moorside, Hr. Disley. Inspected
Oct.Nov.	No. 58 Doctors Gate, Snake Road. Repainted
" "	No.177 Windgather. Inspected
" "	No.174 Moorside. Renovated
" "	No. 83 Shutlingloe Lane. Re-painted
" "	No.104 Clough House, Wildboarclough. Inspected
" "	No.132 Allgreave. Removed for renovation and resiting in Wildboarclough
" "	No. 98 Chapel Gate. Re-painted
" "	No.124 Rushup Edge. "
" "	No. 3 Stony Ford "
" "	No.135B " " "
" "	No.138 Agden Booth "
" "	No.135 Ye olde No.3 "
" "	No.136 Agden Brow "
" "	No.137 Agden House "
" "	No. 23 Peep-o-Day "
" "	No. 33 Mount Famine "
Dec.	No.156 Wildbourclough. Renovated
"	No. 59 Mossylea Doctor's Gate. Re-painted
"	-- Boulger Memorial Bridge. Plinth re-painted
"	Little Hayfield.
"	Jim Bramwell Memorial Signpost
"	Disley Old Road, Whaley Bridge

Our grateful thanks are due to the small but enthusiastic group of members who made the above work list possible, and many of whom are also members of the archives team.

PEAK AND NORTHERN FOOTPATHS SOCIETY

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31st DECEMBER 1981

[illegible]

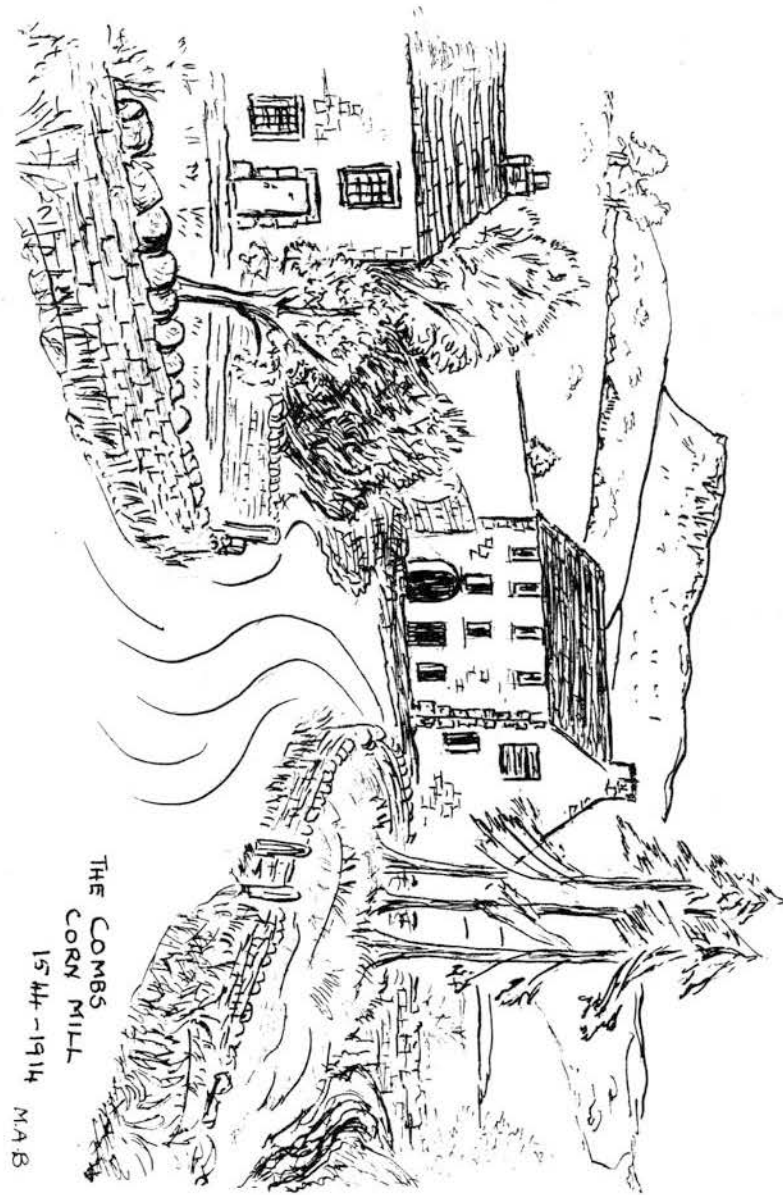
FUND BALANCES

	Balance at 1st Jan.1981	Income during year	Expenditure during year	Balance at 31st Dec.1981
	£ p	£ p	£ p	£ p
General Fund-Accumulated Balance	15132.60	3085.86	2649.37	15569.09
Defence Fund	1991.88	36.30	- -	2028.18
Survey Account	232.23	11.00	- -	243.23
Signpost Account	207.45	116.80	20.59	303.66
Edwin Royce Memorial Fund	79.66	- -	- -	79.66
	<u>17643.82</u>	<u>3249.96</u>	<u>2669.96</u>	<u>18223.82</u>

(a) INVESTMENTS

R. Walsh, Honorary Treasurer.

E. McCormick, Honorary Auditor.



COVER PICTURE: CROMLEY ROAD BRIDGE, STOCKPORT.
 Showing the barrier erected by British Railways and currently in
 dispute with the Society and Greater Manchester Highways Department.