

SIGNPOST

**Newsletter of the Peak and Northern
Footpaths Society**



Number 39

Summer 2011

RAMBLINGS FROM THE CHAIR

In Newsletter 37 I stated that I would not be standing for the post of Chairman at the upcoming AGM. Yet here I am, still Chairman, writing Ramblings. Much has happened since last autumn and I hope that this piece will convince you that the Society is in a stronger position to carry on the vital work that we do.

AGM Report

As always the AGM was well attended, with over 70 members present. The annual report, accounts and examiners' report were all accepted unanimously with no matters arising. Reg Boot, who stood down after five years as Membership Secretary, was replaced by Bill Buckley. Colin Miller was confirmed as a new Courts and Inquiries Officer, further strengthening our legal team. All other officers were re-appointed.

The proposal to increase subscriptions by 50%, was carried by a majority, with only six voting against the increase. The Trustees believe this increase will finally bridge the gap between income and expenditure, thus ensuring our financial stability.

Since my announcement, last autumn, that I did not intend to stand as Chairman, the Trustees made strenuous but unsuccessful efforts to find a replacement. Meetings were held to discuss the options - which included seeking a paid officer or winding up the Society - none of which held any appeal. It became clear that an alternative way of managing the Society had to be found and proposals were presented by David Bratt. In essence, the plan is to split the job of Chairman between the five

existing Trustees. Each Trustee has agreed to take on a specific area of responsibility as follows:

Rhoda Barnett and Terry Norris: foot path legal matters.

David Bratt: signposts and bridges.

Alistair Taylor: finance and membership.

Clarke Rogerson: volunteers and communications.

The Trustees will discharge these responsibilities through the existing Officers. It was also proposed to re-introduce the post of Secretary to act as a single point of contact and manage the day-to-day running of Taylor House.

It became clear that an alternative way of managing the Society had to be found

The proposal was debated and, despite some reservations, it was agreed to trial the new arrangements with a view to introducing the constitutional changes at the Half Year Meeting. Which will be held at the usual venue, the Offerton Britannia Hotel, on November 26th.

You may be wondering what all this means in practice; what changes, if any, you will see as members. I hope that the average member will hardly notice the change. For the Officers the big change will be fewer meetings, which can only be a good thing. Under the new proposal we will no longer hold Officers meetings. The legal team will continue to meet monthly and their focus will be solely on delivering improve-

Cover: *Climbers on Doctor's Chimney(S 4a), Stanage High Neb, photographed by the Editor*

ment to the footpath network in our Area. The Trustees will meet at least six times a year to ensure the smooth running of the Society and to receive reports from the Officers. Under the old system our Inspectors received the minutes of the Officers meetings, which covered all aspects of the Society. Under the new scheme they will receive the minutes of the legal meetings, which are much more focused on the real work of the Society and more relevant to the work of an Inspector.

These new arrangements have been in operation for 3 months now and I have to say that all the signs are that this has been a change for the better. Dave Brown has taken on the role of acting Secretary which,



The legal team take a break at the Bridestone's Inquiry in Congleton

together with the other changes, has freed up my time to pursue other objectives. Not that any of this means I am less committed to the Society; rather I am able to concentrate my efforts where they can do most good.

Volunteers - With all that has been happening I have not been able to follow up on some of the offers we have received from members. Now that things are settling down, I shall be concentrating my efforts on finding people to fill two important roles:

Assistant to the Treasurer and Membership Secretary. The job will include providing cover and the new task of reconciling Direct Debit and Gift Aid.

The second role is that of short walks co-ordinator. Dave Brown has carried out this job for the last couple of years, but with his new role as Secretary we need another volunteer to take on the job. It is a task that can be done from home and involves contacting walk leaders by phone or email. If you would like to help please get in touch. And of course if you could like a short walk please let me know and I will add you to our list of potential leaders.

DISTRIBUTION OF SOCIETY DOCUMENTS BY EMAIL

At the AGM this year a motion was passed that members who have given the Society an email address will have all Society documents sent to them by email unless they ask for them to be sent by post. This policy will start on January 1st next year.

So, if you have given us your email address - or if you can't remember whether you have done so - and wish to continue receiving documents by post then let us know. You can do so by eMail or by writing to or telephoning Taylor House. Contact information is on the outside back cover of this magazine.

BRIDESTONES REVISITED

A brief history of paths on the Cloud as seen from the Chair

When I first became involved, as Chairman, Terry Norris described the "Cloud" as *"Unfinished business that the Society should be involved in"*. How right he was: in truth we are still not quite there. But stay with us. I feel confident that we will all be able to enjoy the area to the full in the very near future.

Looking back at events surrounding the Cloud we have to go back to 1929, when Lord Egerton (the landowner) restricted access on the Cloud with obstructions and "permissive" notices. I don't wish to cast Lord Egerton as some evil landowner as, according to our annual reports, *"his lordship wished them (his solicitors) to say he was anxious as far as possible to meet the Highway Authorities and the Society's views"*. He had also made it clear that *"when the paths were claimed to be 'sufferance' paths only, it was only with a view to preserving the amenities of 'the Cloud' and to enable him to have some measure of control in case the rights were abused"*. Such views were not uncommon amongst the landed gentry of the time. Whatever Lord Egerton's motives, there was, according to our 1933 Annual Report, *"much indignation being felt by the inhabitants and the general public as their right to walk the area around the Cloud was brought into question by the fencing of a footpath on the eastern side of the Cloud."*

During that same year, meetings were held with Buglawton UDC, Congleton Town Council and the Macclesfield and Leek Rural District Councils with a view to making representations to Lord Egerton to recog-

nise the rights of the public to use the footpaths over the Cloud, which had been enjoyed since time immemorial.

The next couple of years didn't see much change in the situation, as in 1934 it was reported that *"a joint conference had been held between all parties but that no satisfaction had resulted from the conference"*. Then in 1935 the report says the Society had been in close co-operation with the Highway Authorities concerned and that *"endeavours had been made to safeguard the public rights and to obtain the removal of obstructions and 'Permissive' notices"*. The reports went on to say that *"some delay had been occasioned through so many authorities being concerned – the paths being partly in Cheshire and partly in Staffordshire"*. This is still the case today and it does not make our current negotiations any easier.

Interestingly, it was at the suggestion of Cheshire County Council (CCC) that the Society agreed to a conference between our solicitors and those of Lord Egerton. CCC no longer exists, having been replaced by Cheshire East (CE) and Cheshire West and Chester (CWAC) authorities. It was the decision of Cheshire East to take a neutral stand in the 2011 Public Inquiry that helped convince the Society to act as a supporter of the claim for Congleton 82.

In 1936 some delays *"occasioned by Lord Egerton being abroad"* were reported. However, a conference was eventually held between the Society's solicitor and Lord Egerton's, at which,

having more or less agreed points of law, they discussed the question of compromise. Lord Egerton's solicitors submitted proposals for the Society to consider but, as the matter was *sub judice*, details could not be reported.

Our Annual Report of 1937 made much of our successes, which included a *"revised map of footpaths on the Cloud, which had been published by the Manchester Guardian"* and referred to successful negotiations *"by the Society as representatives of the public, for the preservation of the footpaths on the Cloud"*. Whilst the following year's

Alan, having tried unsuccessfully to gain the backing of the Ramblers, approached the Society

report makes no mention of the fact that the final agreement was signed in 1938 this, as you will see later, became a very significant date.

It is clear that, over many years, a lot of discussion took place between Cheshire, Staffordshire and the Society on how the stretch of path between the Bridestones at the south and the Cloud at the north should be recorded. Unfortunately the upshot of the negotiations was that the path was not recorded on the definitive map!;

By 1994 a parcel of land had been sold to a new owner, who seeing that no paths were recorded, erected in 1995 a number of signs stating *"Working farmland possible risk of disease"* and *"Strictly no access"* and *"No Footpath"* and *"Private property beyond this point"*.

I was too busy at work to be involved in footpath preservation then. And I was too busy storming the mountains of the Lake District and Scotland to be walking the lowlands of Cheshire. But had I been, I think I would have used a stronger word than indignation to express my feelings.

One of our members, Alan Soper, was sufficiently moved by the signs to start putting together the evidence that would form the basis for his claim in 2001 to CCC for a Definitive Map Modification Order to add a route that would make it possible to walk the missing path. Alan had done his research well; one of his early submissions, which I read during our more recent involvement, ran to 23 pages. Unfortunately his claim was rejected by CCC. Not a man to be put off easily, Alan appealed to DEFRA, who instructed CCC to make the order.

Not surprisingly there were objections to the order, which were to result in a public inquiry (PI). These were no lightweight objections, one being written on Houses of Parliament note paper. To make matters worse CE decided, probably correctly, to take a neutral stance at the PI. Given CE's position Alan would have been left to make the case in support of the order alone and with a fair degree of certainty that the objectors would be legally represented.

During his research Alan had consulted the Society, especially about the 1938 Agreement, so we were well aware of his claim. During my second year as chairman (2009) Alan, having tried unsuccessfully to gain the backing of the Ramblers, approached the Society with a view to gaining support for the claim. I remember chairing the meeting of Trustees in February, at which

Continued overleaf

Signpost 39

we agreed to seek the opinion of Stephen Sauvain QC at a cost of £3,000. A subsequent meeting in April considered Sauvain's advice and authorised expenditure of a further £12,000 to support the DMMO at Public Inquiry (PI).

It has to be said that Alan was the star witness of the PI, which was held in the Grand Hall of Congleton Town Hall, with its Italian and French gothic influences. How apposite would the venue have been had it been held in the Bride-stones Suite? If Alan was the star witness, then the 1938 Agreement was the star exhibit, as the Inspector placed much weight on it in his report. Alan and the 1938 Agreement may have been the stars of the show, but we should not forget all

the back-room people at Taylor House who played an important part in the preparations for the Inquiry. And, finally, thank you to our members, who through your annual subscriptions and generous dona-

tions make this sort of case possible.

There are still a few hurdles to be crossed and the Society is once again in negotiation with Cheshire East, Staffordshire and the present land-owner. There is light at the end of the tunnel, and I do not mean the sewer pipe (see

picture) that Rushton Spencer 51 (RS51) currently passes through. We will have to wait for the final confirmation of Congleton 82 and a proposed diversion of RS51 before we can enjoy a celebratory walk. Watch this space.!



FERRY ACROSS THE SHIP CANAL

Thanks to the efforts of the Trafford Group of the Ramblers, including PNFS member June Mabon, the Hulme Bridge free ferry across the Ship Canal has been reopened, initially on a limited basis. It operates 1000-1200 and 1300-1500 on Fridays, 1000-1230 and 1330-1600 on Saturdays and Sundays. In July and August it also runs on Mondays at the same time as Fridays. The operating schedule will be kept under review by the ferry owners and, no doubt, by the Ramblers. As time passes, it will become clear what the demand is and I am sure the ferry owners will be very willing to discuss changes.

How do you find the ferry? On the Trafford side it is in Woods End, near the Davyhulme Millennium Nature reserve off Daresbury Avenue. GR SJ739958. Definitive FP Urmston 1 leads from Daresbury Avenue to the ferry landing stage (pontoon). On the Salford side there are footpaths leading to the landing stage from near Boysnope golf course. The Salford Trail walking route goes close by.

PNFS WALKS PROGRAMME

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

SHORT WALKS

Wednesday 10 August

Leader: Terry Norris (01484 840294)
Marsden Circular. 6 miles. Hilly.
Manchester Victoria 1027.
Walk starts Marsden Station at 1100

Wednesday 14 September

Leader: Dave Brown (01663 733236)
Adlington Circular. 6.5 miles. 300ft ascent.
Manchester Piccadilly 1048.
Walk starts Adlington Station at 1115

Wednesday 12 October

Leader: Peter Burns.
Broadbottom Circula. 6 miles Undulating.
Manchester Piccadilly 1015.
Walk starts at Broadbottom Station at 1040.

Wednesday 9 November

Leader: Clarke Rogerson (0161 749 8412)
Urmston to Chorlton. 6 miles. Flat.
Manchester Oxford Road 1016.
Walk starts at Urmston Station at 1025. Return by bus.

LONGER WALKS

Wednesday 31 Aug

Leader: David Bratt (01925 762472)
Edale circular with Lose Hill & Mam Tor. 10 miles. Hilly.
Manchester Piccadilly 1045
Walk starts Edale Station 1130

Wednesday 28 Sep

Leader David Stearne (01928 735809)
Frodsham circular. 11 miles. Hilly
Manchester Piccadilly station 09.50
Walk starts at Frodsham station 10.45

Wednesday 26 Oct

Leader Brian Morrison (0161 483 8957)
Marple circular. 10 miles. Hilly
Manchester Piccadilly 10.03
Walk starts Marple station 10.30

Wednesday 30 Nov

Leader Judith Halman (01477 534398)
Congleton circular 10 miles. Hilly.
Manchester Piccadilly station 0948
Walk starts Congleton station 1030

DOING GOOD BY STEALTH

Hayfield Bridleway 18 crosses Matley Moor, an area of open access land east of Rowarth, in the Peak District National Park. You can trace it running between grid references SK022.904 and SK022.901. It forms the third side of a triangle, the other two sides being part of the Pennine Bridleway National Trail.

But this was a bridleway like no others. No horserider could physically use it; a cyclist would have had to carry his machine over a stile at one end and a wicket gate at the other. It was a bridleway in legal name only. Not our problem, you might say. We are a charity that takes care of walkers' interests, and walkers could use this route without any trouble. Yes, apart from the fact that we have at least one bridleways group affiliated to us and that bridle gates would make it easier for walkers. Easier than having to squeeze through a wicket gate and climb a step stile. Something not to be overlooked as we all get that bit frailer.

How to resolve this matter with the minimum investment of time and effort for me and the Society? Answer: give the problem to another organisation that looks

after the interests of cyclists and horse-riders and let them loose on it. I supplied photos of the offending stile and gate with grid references, to the Byways and Bridleways Trust (<http://www.bbtrust.org.uk/>). Without further preamble, they served a legal notice on Derbyshire County Council requiring them to ensure the removal of obstructions to full use of the route as a bridleway. Within days, the County Council served notice on the landowner, who agreed to replace the offending structures with bridle gates within two weeks. This has now been done, though minor alterations are needed to them to make them compliant with British Standards.

The outcome is win-win for all legitimate users of the bridleway, including walkers, who have to negotiate two easy gates instead of an awkward stile and a narrow wicket gate. We have earned the gratitude of other user groups; groups with whom we will need to work closely as the rights of way network suffers the effects of local government cuts over the next few years.

John Harker

Before



&

After



Late in January, when I wrote my last report, we had 324 signposts in the ground. Now we have **335**, or you might think 333 if you've noticed the recent disappearance of F008 from near Blackshaw Farm, Little Hayfield and S124 from the west end of Rushup Edge. F008, which stands where six footpaths converge, is being replaced by a new fingerpost at the expense of Peak National Park, while S124 is sitting behind me resplendent in its fresh green livery but needing its white lettering done. S092 on the road from Castleton to Hope was shot-blasted, repainted and straightened with the help of Brian Buckley and other walking companions.

S398 was erected on 31st January on Hardrake Lane below Longstone Edge, at a point where five paths converge. Its cost has been covered by Liz Williams as a memorial to her friend Pat Hancocks. It stands in a lovely part of the White Peak and is the first of our signposts in that area.

S399 was erected in April at Cock Knoll Farm, Higherr Disley, as the gift of Martin and Margaret Wright. It usefully directs walkers from the edge of the farmyard to the popular path to East Lodge.

S400, 401 and 402 are now our first signposts in Bradfield Parish, Sheffield, thanks to a number of donations. S402 by Damflask dam has been adopted as a memorial signpost, by a Sheffield walker, but 400 and 401 east of Rocher Head remain unadopted and hence available for plaques.

S403 and 404 went up in June at Vincent House Farm, north of Hartington. Both have been donated by the Ramblers Association (Greater Manchester and High Peak) as memorials to Lilian McManus and Ronnie

McLoughlin respectively.

S405, 406 and 407 were planted late in April with much effort by Ted Wolfe and John Hodgson at Mixon Grange near Onecote, Leek - virgin territory for our signposts. Two were financed from the residue of donations for other signposts, while the third was paid for by Betty Luckham, whose husband Bryan is commemorated by a plaque on S298 opposite Hartington Youth Hostel.

We are spreading PNFS signposts into new areas

Finally, **S408** has recently been erected on The Rout where it crosses Parkin Clough below Win Hill. Its cost was donated by Denise and Mick Hamilton in memory of Denise's father Alan Stringward. It was very kindly erected for us by Paul Wetton, PNP ranger at Fairholmes, and his volunteers.

So once again, we have managed to spread PNFS signposts into new areas and we hope to continue to do so, with plans for two or three in Bradford - Ilkley Moor and the Haworth area. Thanks again to Ted and John and in particular to Sue Clarke, who plays a valued role in helping me to inspect and clean signposts as she and Steve pass them on their walks. We are also benefiting from the renewed support of our President. If you would like to help via a donation of money or labour, please don't hesitate to get in touch by phoning me (tel. 0161 283 7824). And thanks again to all those whose donations so far this year have helped us to add eleven new signposts.

David Morton

OLD PATHS NEVER DIE

But on rare occasions they can be lost, explains Terry Norris

Whilst failure to use a *private* right of way, such as a route to an outside toilet, a hanging ground or a spring water supply over a period of time may be evidence of an intention to abandon the right and lead to its becoming extinguished, this principle does not apply to a *public* right of way.

Once a public path has come into existence then it continues indefinitely. This is still the case if the path has been obstructed by a fence or wall, or has been built over or become impassable because of the growth of vegetation. This is the basis for the legal maxim, 'once a highway always a highway'.

Judge Joyce in *Harvey v Truro Rural District Council* 1903,

Court of Chancery, put the matter as follows: "Mere disuse of a highway cannot deprive the public of their rights. Where there has once been a highway, no length of time during which it may not have been used would preclude the public from resuming the exercise of the right to use it if and when they think proper." Once a path has been recorded on the definitive map, then it will continue to exist unless it is stopped by a legal order made by a council, court or government minister.

How may such a legal order arise? The main possibility is under section 118 of the Highways Act 1980, which allows a council to close a path on the ground

that is not needed for public use. This could arise where, as a result of re-development of an area, the path is no longer serving any useful purpose. For example, where the path is a short *cul de sac* not linked to any other highway.

Another, more contentious use of the power is where there is a suitable alternative path available so the original path is no longer needed. A public path can also be closed, for the purposes of crime prevention, where it crosses land occupied by a school, in order to protect pupils or staff from violence or harassment (s.118B).

Paths crossing railways (other than by a bridge or tunnel) may also be closed in the interests of safety (s.118A).

Paths may also be closed under planning legislation where planning permission has been granted and stopping up of the path is 'necessary to enable the development to be carried out'. This would arise if the development is to be constructed over the line of the path. A magistrates court may authorise the stopping up of a path where it is 'unnecessary'; but there would have to be a reasonable and suitable alternative way available. A minister may authorise closure of a public path under a side roads order to enable construction of a bypass, motorway, reservoir or other similar development.

The legal maxim is 'once a highway always a highway'

A path may also be lost where the line of the right of way has ceased to exist because of a landslip, or a river bank has collapsed due to water erosion. An example is part of Mottram St Andrew FP9 in Cheshire East. In such a case the walker has no right to deviate to avoid the section of path that has disappeared.

new path will add to the convenience and enjoyment of a substantial section of the public.

In a future article I will deal with the position where the path is used by the public but not recorded on the definitive map.

If the landowner cannot be persuaded to dedicate a new line, then the council will have to make a creation order under section 26 of the Highways Act 1980. Compensation may be payable, and if the owner objects the matter will go to a public inquiry. There is a pending case in Ulnes Walton in Lancashire, where the Society and the local Ramblers are supporting the council in making such an order and will be appearing at the inquiry to argue that the



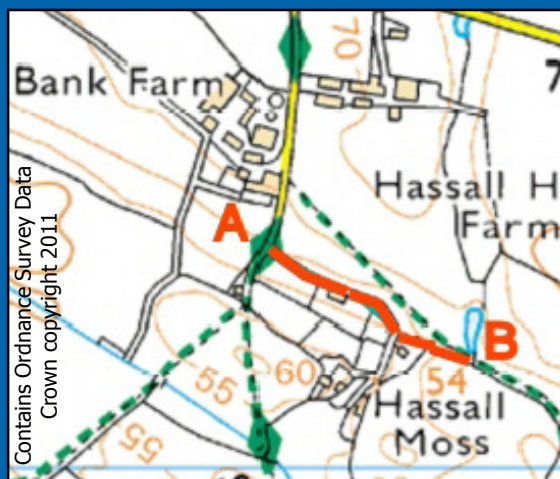
The meandering River Bollin has caused serious erosion to footpaths in Mottram St Andrew, and the difficulty of agreeing a new line requires a substantial and protracted diversion of the Bollin Valley Way.



The Peak and Northern Footpaths Society
Taylor House, 23 Turncroft Lane, Offerton, Stockport, SK1 4AB
Reg Charity No 212219
0161 480 3565 **mail@peakandnorthern.org.uk**

Call for Witnesses

If you have ever walked the path detailed below and would like to assist Chris Meewezen with a DMMO to create a public right of way please contact him at Chris@allune.com



The map reproduced above shows an area of Hassall Moss, near Sandbach, Cheshire. Point A is at Map Reference SJ 763 583. Point B is at Map Reference SJ 766 581. The route from point A to B does not appear on the definitive map, however it has been walked without permission or being challenged since 1935 or earlier.

Signpost is edited and published for the Society by David C Brown,
43 Bings Road, Whaley Bridge, High Peak, Derbyshire, SK23 7ND
01663 733236 **pnfs.members@gmail.com**