

SIGNPOST

Newsletter of the Peak and Northern
Footpaths Society



NEWS ROUNDUP

New Appointments

We are very pleased to announce the appointment of John Broadbent as Vice Chair and Barry Starkie as Vice Treasurer. As you will read on the next page John will be standing at the 2013 AGM for the post of Chairman. John's appointment, as VC, means he can shadow Clarke for the rest of this year to ensure a smooth handover. Barry Starkie will be a familiar name to some of you as he held the position of Treasurer prior to 2006.



John Broadbent. See article opposite

Sad News

It is with great sadness that we report the sudden death of Geoff Errington, who died in May at the age of 62. Geoff did a great deal of work for the Society both at Taylor House, looking after our website and in the field as Inspector for Belper. David Bratt and Clarke Rogerson attended his funeral which was held in York. Geoff was a great team worker and will be missed by all the volunteers at Taylor House.

eNewsletter

Thanks to volunteer Mike Barnes this edition of Signpost will be offered in a greater range of formats. For many years a paper copy was the only option that the Society offered. Last year we started to offer an electronic version which allowed people to download either a full colour or a print friendly black and white version. This addition sees the introduction of a web based version which is aimed at attracting members away from the paper copy. If you are reading a paper copy and have access

to the Internet the new version can be found at:

<http://peakandnorthern.org.uk/newsletter/1208-signpost41.htm>.

In the near future we hope to offer a quick way to sign up for the electronic newsletter, in the mean time if you would like to save the Society money please send an email to mail@peakandnorthern.org.uk requesting the eNewsletter rather than the paper version.

Dates for your diary.

Saturday 24 November, is the date for our Half Year Meeting, which will be held at the Britannia Hotel Offerton.

Saturday 27 April 2013 is the date for next year's AGM.

Cover Picture: Councillor Dorothy Higginbottom, Mayor of Barnsley, Clarke Rogerson and Parish Councillor Kathryn Austin, Chairman of Hunshelf Parish Council

John Broadbent

It was never my intention to be proposed as Chairman when I first spotted one of Dave Morton's signposts above the Fernilee reservoir in the Goyt Valley. I just thought "what a great sounding organisation, I would quite fancy being an Inspector". I contacted Hilda, who appointed me as Inspector for Bredbury and Romiley in May 2011 and off I happily went enjoying my role enormously.

At the members half yearly meeting in November last year I made a couple of suggestions about how I felt that there was a need for a chairperson, rather than the Trustees managing themselves as a team ,which seemed to be what was being proposed. With hindsight this may have been a mistake! I was approached by June Mabon and one or two others at lunchtime and after a brief chat was asked if I would be interested in talking to Clarke about taking on the Chairman's role when he stepped down. To say I was surprised is a major understatement. Clarke contacted me early this year and we have had numerous discussions and meetings which have gone extremely well.

My major concern was, that whilst I do have substantial experience of successfully managing teams in a commercial environment, I have no knowledge of footpath law and very limited IT skills. What I do have is a passion for walking ,especially hill walking and an obsession (my wife calls it a fetish) with maps.

After talking to Trustees, Officers and volunteers I have come to realise the enormous range of skills that exist within PNFS together with a wonderful enthusiasm and passion for footpaths. I now believe that my initial concerns are unfounded and that by working as part of the PNFS team I would be able to carry out the role with some level of success.

As well as carrying out the chairperson role it is my intention to get practically involved in growing member and inspector numbers particularly in outlying areas eg. Lancashire, Wirral, Staffordshire, West Yorkshire. I know that in the past David Bratt was particularly successful in generating new members and I am already talking to David to learn how he did it. I am also extremely interested in the "Lost Ways" project involving the identification of paths that never made it onto the Definitive Maps, and if are not "captured" by 2026 never will do.

The author Robert Macfarlane ,who loves walking, has written the wonderful books "Mountains of the Mind" and "The Wild Places" . His latest book "The Old Ways a Journey on Foot" has just been published and it is dedicated to "Julia, Lily and Tom **and those who keep the paths open**".

Keeping the paths open is what we do, and is what PNFS has done for over 100 years, it would be an honour and a privilege to be the Chairman of such an organisation.

John Broadbent

PNFS SIGNS TWINNED WITH SISTERS !!

Kay Douglas ,Secretary of Eccles Rambling and Social Club, long time and much valued Affiliates of our Society invited me to attend and say a few words at their meet-up north west of Dunsop Bridge on June 23rd. It was a most special occasion as there was to be the dedication of 2 signs each having been generously donated by twin sisters Brenda and Margaret Carr to celebrate their 70th birthdays. Both decided they wished to mark the occasion by, as they put it, giving something back to walking which through life had given and continued to give them so much pleasure.



Frank Pollit (Chairman, Eccles Rambling and Social Club) Brenda and Margaret Carr with David Bratt (Vice President)

So some 30 of us set off along the Langden Brook whose tame name belied the reality that it was a river in spate after some awful weather over the preceding days. The signs are both in imposing settings affording great views of the Langden valley one located a quarter of a mile before Langden Castle and the other a short distance beyond, when approached from the east. The locations were selected by our David Morton who duly obtained the necessary consents.

There was the not unexpected debate about the origin of the Castle now functioning as a sheep/cattle shelter - as maybe has always been the case. Some locals however suggest it was built as a stopover for guards and prisoners on the way to Lancaster assizes.

After an introduction from Frank Pollitt, Chairman, and a few words from myself and responses from Brenda and Margaret we all partook of fizzy and cake with smiles all round. Nice one twins!!

David Bratt

Unofficial path diversions

The legal route of a public right of way is that shown on the definitive map produced by all highway authorities; this route should also be the one shown on OS maps. If you find that the route which you walk does not seem to be the same as that on your OS map, this could be due to a number of reasons. The OS map could just be wrong. Or sometimes the route will have been changed legally since the definitive and OS maps were prepared, and there has not yet been time to update the maps; this is an official diversion. Sometimes, however, the legal definitive route is blocked by vegetation or by an obstacle put there by the landowner, or the route is difficult to use because of a bad surface, and you have to take a non-definitive route to get round; this is an unofficial diversion. Legally the definitive route of a path should be usable by walkers at all times. An easy to use, minor unofficial diversion to avoid a temporary problem would be given a low priority for resolution by both the Society and the authority. However, in some cases, the authority is using the fact that walkers can get through on a non-legal route to take no action over a poorly-maintained legal route, or a landowner deliberately obstructs a definitive route because he does not like the public using it, for example if it passes through his farmyard, and he does not want to pay to have it officially diverted. In such cases the diversion itself often is not really safe and convenient for walkers. This would have a higher priority for the Society, and the authority would be pressed to take action to maintain the legal route properly, or to have the obstruction on the definitive route removed, or an official diversion made. This could involve, if necessary, serving a legal notice on the authority to make it resolve the problem. So

do not think that an unofficial diversion can be ignored just because you could get where you wanted to go – report it to the Society at Taylor House (through the web site if you can), and to the relevant authority if you wish, and we will take the appropriate action. Authorities should not be able to get away with poor maintenance, or landowners to circumvent legal procedures to change the routes of public rights of way.

Rhoda Barnett

Unlawful Obstruction Kate Marlow v DCC

The society has been watching this case with interest. The following is an extract from District Judge Andrew Davison's recent judgement at High Peak Magistrates' Court

In my judgment this is a case where the Derbyshire County Council have at all material times had it within their own power to remedy the unlawful obstruction(s), subject of this application by Ms Marlow – yet they have manifestly failed to act reasonably and proportionately, and having regard to all the circumstances of this long running case, this is a matter which is eminently suitable for a positive exercise of my discretion to award costs to Ms Marlow, payable by the Respondents, which are just and reasonable, and not punitive, in accordance with the statutory power set out in Section 64 of the Magistrates' Courts Act 1980.

The judge described Kate as a 'Beacon of commitment and reasonableness to her cause'; attributes the Society holds dear.

A Brief History of the 'Benfield Path'

This Society was born out of the struggle to save the 'Snake Path' between Hayfield and the A57. Since then the Society has fought, and still fights, countless battles to safeguard our public rights of way. Most do not make the headlines, but for a brief period in the 1920s the 'Battle of Benfield' was headline news in no less a newspaper than the Manchester Guardian. Why? Where is Benfield?

Far Benfield lies on the southern slopes of Werneth Low where the Gigg Brook drains into the Etherow near Compstall Bridge. A footpath links Far Benfield at SJ961.917 with Hyde's Farm across the steep-sided clough that Gigg Brook flows down. In the 1920s the footpath's very existence was challenged by local landowners.



Peter Rothwell, John Broadbent & John Harker discuss the merits of funding a bridge.

From the Society's copious file on this footpath, we know that the footpath was regularly blocked off with barbed wire and with other obstacles. Walkers would tear down the obstructions and reassert the right to walk it. In time, the matter became

a local 'cause celebre' and this Society became involved in 1924 through our link with the affiliated Hyde & District Footpath Preservation Society. Meetings were arranged with the local Compstall Rural District Council, who had powers as the highway authority for footpaths, to try to convince them that the footpath was public. Evidence from the 1841 Tithe Map was put forward. However, the landowners who had been invited to attend the meeting boycotted it. Compstall RDC refused to act on the public's behalf and suggested arbitration between the parties.

The first mass walk to highlight the situation took place in June 1925 with 200+ people, including PNFS members, walking the path and removing or demolishing obstructions. However, the obstructions quickly reappeared despite further walks organised to remove them; and with Compstall RDC refusing to act, an impasse had been reached. 1926 came and went without the situation changing so this Society helped to organise further mass protest walks for Saturday March 5th and Sunday March 20th 1927. These had the effect of bringing the landowners to the negotiating table. A proposal to place all the evidence for the path's legal existence before an independent legal counsel was accepted by this Society and others, but not by the landowners, so 1927 ended in frustration. 1928 was spent gathering further evidence to support our contention that the path was a public right of way. This was placed before legal counsel, whose opinion was that it demonstrated the public's right to use the path. His advice was to issue a summons on the landowner for obstructing the path.

Continued

This was done in 1929, and the case reached Stockport Borough Police Court in December of that year. The magistrates accepted the testimony of witnesses that the footpath was public through long usage and the landowner was fined 40/- old money. This Society's legal costs exceeded £50 but as that year's Annual Report pointed out, it is knowing that the Society is willing to back negotiations with legal action where required that makes for an effective Society. Prescient words and words still as relevant today as they were over 80 years ago.

One mystery remains though. The landowner agreed to the Society erecting a bridge across the Gigg Brook to facilitate use. However it never happened. Maybe it's now time to make good the unfinished business. Both as a tribute to the Society's determination to stand up for the public's right to walk our footpaths, and in memory of Adrian Littleton who embodied that determination in everything he did for the Society for so long.

John Harker

Memorial to Adrian Littleton

An appeal for funds

In the Annual Report, David Bratt paid tribute to the work of Adrian Littleton. John Harker's article on the Benfield path again makes mention of a tribute to Adrian. It is fitting that the memory of a man who did so much for the Society, and all walkers, is marked by a substantial memorial. It is on

that basis I am launching an appeal for donations to our footbridge fund.

I'd like to be specific and say that all donations will be applied to the provision of a bridge on the Benfield path in memory of Adrian, but life is not that simple. The Benfield path poses several problems and it may take some time to either negotiate suitable repairs or as a last resort we may need to apply for legal remedy to ensure the path is brought into good repair.

With uncertainty on how long it may take to secure the erection of the Benfield bridge, I would like to keep our options open with regards to the exact location of a memorial for Adrian. Other options are being considered and I will keep you posted.

Cheques, made payable to 'Peak and Northern Footpaths Society' should be sent to the Treasurer at Taylor House, and should specify that the donation is for the footbridge fund. Donations will be applied to the provision of a footbridge which will commemorate 'Adrian's work for the Society and for walkers'. Any excess monies will be applied to other bridges that the society may fund.

Clarke Rogerson

Diversion of long obstructed paths – some thoughts

When considering whether to oppose the diversion of a long obstructed path, notions of pragmatism and fairness can conflict. One example is the diversion of part of Holmfirth 34 which has recently been confirmed following a public inquiry. In the early 1980's planning permission was granted for the development of a former farm. The developers were not made aware of the existence of footpath 34 across the site. You may well ask why this was not revealed during the conveyancing process when the land was acquired. The question on the search form sent to the local council, which asks about the existence of any

Notions of pragmatism and fairness can conflict

public rights of way on the site, is an optional question. As there is an additional fee for it to be answered, it is common practice for the question to be deleted by the purchaser's solicitors. The deeds of the property do not necessarily record accurately any rights of way, as was the case here.

The footpath at issue ran across the newly created gardens of the houses created from the former farm buildings. As a result most of the definitive line could no longer be walked. There was no evidence of any complaints being made to the highway authority, Kirklees Council, until recently. Eventually, at the suggestion of the Council, a diversion application was made which

proposed a path through fields around the development linking the sections of the path severed by the gardens. The diversion was opposed by a number of objectors, as they considered it wrong for a path of some antiquity to be diverted for the benefit of a few individual property owners, when the existence of the path was well known when the residents bought their homes. It was also argued that by inviting the submission of a diversion the Council had promoted the interests of those responsible for obstructing the path over and above the interests of those entitled to use it. There is a duty on the Council to remove obstructions, whereas its power to make diversion orders is discretionary. It was also claimed there was a parallel with *Ashbrook v E Sussex CC* 2002 case (the Hoogstraten affair) where the Council was found to have acted unlawfully in considering a diversion, after a decision had been reached to take enforcement action to remove an obstruction. However, in the present case, Kirklees had offered to consider a diversion application, before the question of enforcement was considered. Any enforcement action was placed in abeyance to allow the landowners to seek an acceptable solution by applying for a diversion.

The planning inspector, whilst not condoning the intentional obstruction of a public right of way, found it entirely reasonable that as a general approach, where obstructions have been in place for

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some considerable time, apparently without complaint until comparatively recently, and would require substantial works to reinstate the definitive line to a usable state, any viable alternative solutions should be explored first. If none of these alternatives are acceptable, enforcement action may still follow. She found that whilst the diversion resulted in some loss of views and some extra climbing for those travelling in one direction, overall the route was not substantially less convenient and had the advantage that gates had to be negotiated rather than stiles. It was pertinent that that restoration of the definitive line was not practicable or desirable. It would necessitate the public walking across the gardens of several properties and immediately in from of the windows of two of them. The character of the original path could not be restored. A full report of the inspector's decision – FPS/Z4718/4/31 may be found on the Government's Planning Portal web site.

In my view the inspector's decision was correct and gave due weight to the interests of both walkers and the occupiers of property crossed by the definitive line.

Lessons to be learnt? Planning applications affecting footpaths need careful monitoring to ensure that the path is protected during and after the development process or subject to an acceptable diversion. Any interference with the line of the path needs to be reported promptly and repeatedly. Where mistakes

have been made in the past and restoration of the definitive line is neither practicable nor desirable, then highway authorities should be encouraged to negotiate a diversion which provides the

Planning applications affecting footpaths need careful monitoring

maximum benefits to walkers. If landowners will not co-operate then enforcement should follow.

The question on public rights of way on the Local Authority search form used when property is being sold should be compulsory. Instructions on the planning application form should be amended so that the site plan must show the line of any definitive path in or adjacent to the proposed development and how it will be protected if planning permission is granted.

Terry Norris

A Day on the Isle of Skye

People often say 'lucky you' when I tell them I am heading to the Isle of Skye. I suspect they imagine that I am off on a Society funded jaunt to the West Coast of Scotland rather than to Hunshelf near Barnsley. They are right about 'lucky me' though, it being a great pleasure and privilege to represent the Society when duty calls.

Sunday 17th June was one of those special days as I travelled up to Barnsley to take part in the celebration of many years of hard work for the people of Hunshelf. I can only summarise their remarkable efforts and the details of two intertwined stories in the space available. Story one starts with G H B Ward, who played a major part in the Society's history, and money bequeathed on his death in 1957. It was a complex bequest and the Society only received the money in 2007, at that time I was Vice Chair.

Story two starts in 2006 when nine remarkable 'Friends of the Isle of Skye' purchased the land, using personal savings, to ensure it remained a wild and tranquil place. The selfless act by the 'nine' provided the breathing space for the Parish Council to raise the £33,000 necessary to purchase the land for the local community and all walkers who wish to tread this lovely spot.

In 2008 I received a letter from David Horsfall, Clerk to the Parish Council, requesting a meeting with the Society. This was my first year as Chairman and it was clear that this was no ordinary request. David Horsfall and his wife Willan made an impressive presentation to the gathering of Trustees and Officers, aimed at seeking funding to assist with the purchase of the land by the Parish Council. They had spent three years fund raising and were £6000 short of the required sum. More meetings, phone calls and hard work, mainly on the part of Adrian Littleton, led to the grant of £6000 by the Society from the Ward legacy, and in 2009 I travelled with Adrian to handover the cheque to David and Willan. Much has happened since 2009, lottery funding of £50,000 has rebuilt dry stone walls and made other improvements to this wonderful open space.

Which brings me back to 17th June 2012, when I met Gillian Davies (see back cover), daughter of Ted and Nellie Spencer, Ted was an executor to the Ward Estate. David Wandsworth and Peter Kidd who built the dry stone walls were there. Proceeding were led by Kathryn Austin, Chairman of Hunshelf Parish Council and the tape was cut by Councillor Dorothy Higginbottom, Mayor of Barnsley (see front cover). David and Willan, are by now old friends, they never miss an opportunity to promote the Society. A recent article, in the Barnsley Chronicle, carried a picture of David standing next to SP425 following praise from David Cameron for the efforts of the Parish Council.

Clarke Rogerson.

WALKS PROGRAMME

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

SHORT WALKS

Wednesday 12th September
Leader Ian Mackenzie 01663 742920.

Linear walk New Mills to Marple via Mellor some climbs
 Start New Mills Central railway station 11.11am
 Finish at Marple station

Wednesday 10th October
Leader John Fisher 01625 439298 (mobile 0797 2072 744)

Short section of North Cheshire Way (linear walk) taking in
 Lyme Park and with some short climbs.
 Starting at Adlington railway station 11.11am
 Finish at Disley station
 Greater Manchester Wayfarer recommended for travel

Wednesday 14th November
Leader Martin Riley 01706 848408

Salford Crescent circular.
 Starting at Salford Crescent railway station at 11.a.m. 7
 miles, mostly flat easy walking taking in Pendleton, Agecroft
 and the Manchester, Bolton and Bury canal.

LONGER WALKS

Wednesday 29 August

Leader John Humpherson (0161 4490524)

Linear walk Rose Hill to Marple stn 10 miles hilly
 (John will then accompany any with cars back to
 Rose Hill)
 Man Piccadilly station 09.36
 Walk starts Rose Hill station 10.10

Wednesday 26 September

Leader Pete Dunne (0161 428 3863)

Linear walk Disley stn to Whaley Bridge stn. 10 miles
 hilly
 Man Piccadilly stn 09.52
 Walk starts Disley stn 10.30

Wednesday 31 October

**Joint Leaders Paul Easthope (01457 855015)
 and Nev Mc Graw (01457 854483)**

Glossop circular (11 miles hilly)
 Man Piccadilly stn 09.48
 Walk starts Glossop stn 10.30

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Gillian Davies, daughter of Ted and Nellie Spencer.
See Isle of Skye article .

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