

Open Space

Spring 2019

Vol 32 No 4

Inside

- Llandegley wind turbines
- Warcop commons
- Finding Glynde's lost ways

 Open
Spaces
Society

Campaigning since
1865

Open Space

- 01 Opinion
- 02 1949 and all that
- 04 Llandegley disaster
- 05 Case file
- 07 Taking action
- 10 Far and Wide
- 14 Path issues
- 16 Reviews

Cover story

A murmuration of starlings sweeps across the wind turbine near Llandegley Rocks in Powys, erected before planning conditions were approved. Seven turbines were allowed by the then Welsh Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths; she overturned the public-inquiry inspector's recommendation of rejection (see page 4). Photo: Richard Martin.



A new charter?

‘This is not just a bill. It is a people’s charter ... for the open air, for the hikers and the ramblers, for everyone who lives to get out into the open air and enjoy the countryside’.

Ten years ago I opened this column with those famous words from Lewis Silkin, Minister of Town and Country Planning, speaking in the second reading debate on what became the National Parks and Access to the Countryside Act 1949.

I said then, and repeat now, that while the 1949 act was a significant achievement at the time, it fell short of expectations—leaving much work to do, work which is even now unfinished.

Apathetic

The 1949 act’s access provisions were barely implemented: it was left to apathetic and often hostile local authorities to make access agreements and orders where they believed they were needed: few materialised. The Countryside and Rights of Way Act 2000 gave us greater freedom to roam, and we are now pressing for the Agriculture Bill to fund more and better access.

By contrast, the act’s sections on rights of way were radical and far-reaching (see page 2). At last we had statutory maps of public paths. Yet the definitive maps are far from complete and the deadline of 1 January 2026 impends, when historic rights will be extinguished and the ancient maxim ‘once a highway, always a highway’ will be shattered.

Our national parks and areas of outstanding natural beauty (AONBS) remain the inspiring places they were when first designated. But it is unacceptable that they are underfunded and threatened with quarries, fracking, road widening, military training and zip-wires, and pock-marked by ill-controlled development, among other horrors.

Review

In England, the review of national parks and AONBS, led by Julian Glover, is our chance to press for better protection and governance of these special places. For instance, we have argued that the weak test that public bodies shall ‘have regard to’ national park and AONB purposes should be replaced by a duty to ‘further’ them, with a mandatory annual report to the environment secretary on the steps taken to achieve this.

We have called for enforced speed limits on unfenced roads across commons in national parks and AONBS, to ensure the land can be grazed without risk to stock, and thus managed in the public interest (see page 11). And we have argued that public paths and access in the parks and AONBS should be exemplary with the authorities having a greater role in managing and providing access.

We must hope that Julian Glover’s conclusions will lead to actions which strengthen, protect and improve our designated landscapes for all to enjoy. The seventieth anniversary must be a new charter for our time. **KJA**

1949 and all that

This year we celebrate the seventieth anniversary of the National Parks and Access to the Countryside Act 1949.

Definitive maps of public paths liberated walkers and riders in the countryside. Until then, if you found your way blocked, you might have to prove that the route was a public highway before you could persuade an authority to act: a long, expensive and uncertain process.

It was not until the National Parks and Access to the Countryside Act (the 1949 act) that we won the conclusive definitive maps and statements of rights of way.

Pressing

The society had been pressing for legislation on rights of way for most of the century. The Rights of Way Act 1932 was a partial success: it simplified the law in relation to proof of disputed highways by enabling people to claim a route as a public path if they could prove 20 years' use without interruption or challenge. However, landowners could rebut the presumption that a route had been dedicated as a public highway by posting notices on it, and could deposit a map with the local authority showing which routes they admitted as public highways (now Highways Act 1980 section 30(6)).

This highlighted the illogicality of there being no universal map showing which routes were claimed as highways. The society pressed county and district councils to prepare maps and schedules—but with little success.

Before the end of the war the government commissioned John Dower to write a report on national parks, published in 1945, and this was followed by the report of the Hobhouse committee on

national parks in 1947.

Arthur Hobhouse set up a subcommittee on footpaths and access to the countryside in 1946 to consider the preservation and maintenance of existing rights of way, and the provision of new ones, and of access to uncultivated land, 'with due regard to agriculture, forestry and other essential interests'. The subcommittee included Francis Ritchie and Tom Stephenson, the outstanding Ramblers' activists of the day. Its report, in September 1947, recommended that all public rights of way should be surveyed and recorded on statutory maps.

This recommendation was included in the 1949 national parks bill. While the society sympathised with 'parish councillors and other stalwart guardians of rural rights' who might be overwhelmed by the prospect of recording all the rights of way in their areas, it argued that it could be a fascinating hobby as 'there exists in most *Footpath near Melbourne, Derbyshire, safely definitive.*



villages a common fund of knowledge about rights of way' (see our journal of September 1949, vol IX no 6).

In December 1949 the act received royal assent and the mapping provisions were included in sections 27 to 38. These presented a considerable challenge to authorities and user groups.

County councils in England and Wales had to survey and map all the public rights of way in their areas, classifying them as footpaths, bridleways, or roads used as public paths on the draft map. This stage was to be completed within three years.

Countryside groups swung into action and formed the Central Rights of Way Committee to coordinate activity and the checking of the draft maps. Once a draft map was published, no further information could be taken into account until the statutory five-year review (which was ignored by most councils).

Advice

The OSS and the Ramblers issued advice on how to go about the survey; this was recommended to all authorities by the Ministry of Town and Country Planning in its circular 81/50. However, official guidance was exiguous so the definitive statements varied widely.

As there was little time, documentary research was rarely carried out: the mapping was based on user evidence and people's memories of path use. Moreover, many parish councils were dominated by landowners who would aver that routes were not public, while their tenants and employees were naturally inclined to support them, or at least not to gainsay them.

The Ramblers were particularly active at this time, organising county committees to work with the authorities. The remote, thinly-populated countryside was at risk of neglect so Ramblers from Merseyside

and Liverpool fanned out over north Wales, and from Birmingham they ventured into mid Wales to record routes. Rambler Linda Evans, a parish councillor in Clungunford in Shropshire, when asked by her parish council to organise a survey, mobilised the village school to help, observing that 'The study of a six-inch map is not beyond the average ten-year-old' (see *The Midland Area of the Ramblers' Association, 1930-1987* by Michael Bird, <https://bit.ly/2SoBLL7>).

Provisional map

User groups had to check the draft maps and statements to ensure the routes they had claimed were included and to provide evidence in their defence. The next stage was a provisional map and statement, which only landowners, lessees and occupiers could challenge in the quarter sessions (now the crown court). The final stage was the publication by the authority of the conclusive definitive map and statement. The whole process was long and drawn out and was only completed nationwide in 1982 with the publication of the map for North Bedfordshire.

With the shortage of time and the immensity of the task of claiming routes for the draft maps, the original definitive maps and statements hardly comprised the 'Domesday book of rights of way' for which the OSS and Ramblers had hoped. And of course, the repercussions are still felt today as surveying authorities and user groups struggle to bring definitive maps and statements up to date and make applications before the extinguishment of historic rights on 1 January 2026.

A longer version of this article by Kate Ashbrook appeared in winter Waymark 2018/2019. Waymark is the journal of the Institute of Public Rights of Way and Access Management and is available on subscription. We are planning articles in the next two issues of Open Space about other aspects of the 1949 act. □

Llandegley disaster

The Welsh Government has allowed seven wind turbines to be built on a Powys beauty spot, contrary to professional advice.

We are appalled that the then Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths, has rejected the report of a public-inquiry inspector and approved on appeal an application for seven wind turbines at Llandegley Rocks, near Llandrindod Wells.

In a 115-page report the inspector, planner Hywel Wyn Jones, concluded that the turbines would significantly damage 'a distinctive and valued landscape', and the setting and views of scheduled prehistoric and mediaeval remains. These include an iron-age enclosure, two hillforts, and a mediaeval motte-and-bailey castle. He considered that this damage could not be offset by the mitigating measures offered.

Decisive

The inspector was decisive in rejecting the plan; while accepting that the permission was for 25 years only, he considered that this 'is a significant period in the lifetime of individuals who would be denied the opportunity properly to appreciate the assets'.

Lesley Griffiths, while agreeing that the inspector had considered all the relevant issues, disagreed with his conclusions on the planning balance. She decided that the benefits of providing renewable energy outweighed the damage which would be caused.

No consideration has been given to the fact that four of the turbines would be built on land to which the public was granted a right of access in perpetuity 'for air, exercise and recreation' in 1885 under the Llandegley Rhos and Hendy

Bank inclosure awards. Also, the access track to the turbines is to be sited on common land, requiring consent under the Commons Act 2006.

Despite this, and the fact that detailed planning conditions still have to be approved by Powys County Council, the developer, Hendy Wind Farm Ltd, has charged in, chasing a time-limited renewable-obligations subsidy. It has already erected one turbine with the acquiescence of Powys's planners. Angry local people have been picketing the site.

Judicial review

The Brecon and Radnor branch of the Campaign for the Protection of Rural Wales is seeking leave for judicial review because, in rejecting the inspector's conclusion, the minister has ignored Planning Policy Wales which states that only in exceptional circumstances will development resulting in adverse impact on a scheduled monument be permitted. She has not explained what is exceptional about this development. We applaud CPRW's action. □

The first turbine. Photo: Kristine Moore.





Warcop: heads v hearts

We are deeply dismayed that Cumbria County Council's development committee has agreed to deregister 3,500 hectares (more than 14 square miles) of the Warcop commons, in the North Pennines Area of Outstanding Natural Beauty.

This followed the recommendation of barrister Alan Evans, the inspector at the public inquiry at which we appeared as an objector. We were fortunate to be represented by George Laurence QC and barrister Ross Crail on very favourable terms, and were supported by the Foundation for Common Land, Friends of the Lake District, and local commoners and parish councils.

Vested

The applications to deregister the three commons were made by the Ministry of Defence (MOD) under paragraph 2 of schedule 3 to the Commons Act 2006. The land and rights were finally registered under the Commons Registration Act 1965, but in 2003 the rights were vested in the Secretary of State for Defence under the terms of a compulsory purchase order. Soon after, the MOD successfully applied to remove the rights from the register, but the land remained on the register.

In 2014, the MOD claimed that, as a result of the land and rights being vested in the same body, the land had also ceased to be common. This was despite the fact that in March 2003, when MOD bought the grazing rights, it undertook not to deregister the commons and instead to create new common rights to ensure that the commons would exist in perpetuity (see OS summer 2017 page 7).

We argued that the terms of schedule 3 meant that the MOD could not now apply to deregister the land. However, if we were wrong (and the inspector said that we were), we averred that the MOD still had to prove that the commons were not eligible to remain registered as waste of the manor, the definition of which is 'open, uncultivated and unoccupied'.

Naturally we maintained that the commons were all these things, but the inspector concluded that the land in the MOD's danger area was not waste of the manor and therefore ceased to be common when the rights were extinguished in 2003.

He considered that 970 hectares of Murton common, not in the danger area and known as Area Victor, remained unoccupied and therefore continued to be common land.

Control

The inspector based this recommendation on the degree of control exercised by MOD: the bylaws over most of the area showed control of the land by conferring a power to exclude the public when firing takes place. Area Victor did not have bylaws and was little used by MOD.

This means that Murton Common is divided in two, the half without bylaws remaining as common, the other half with bylaws losing its status—with no mark on the ground apart from the danger notices.

Strangely, the inspector stated: 'I do not think that the legal basis on which a use occurs on land can on its own be determinative of the factual question of whether that use amounts to occupation'—yet it is the bylaws, ie the

legal basis, which he has used to determine occupation in this case.

This is the largest single inclosure since the inclosures of commons in the eighteenth and early nineteenth centuries. Nevertheless, after reading the inspector's 124-page report and giving the matter much thought, we have decided not to seek judicial review of the council's decision—a heads *v* hearts tussle.

No precedent

We made this decision because we are confident it does not set a precedent: the circumstances are unique to the Warcop training area commons. If we appealed, MOD might lodge a counter appeal and get Area Victor deregistered too. And there was an important element of the decision which will be beneficial to us in future when re-registering lost commons and which we would not wish to see overturned by the courts.

This is that the inspector endorsed our argument regarding the definition of waste of a manor. We said that this is a matter of a factual assessment of the character of the land, and argued against the view of the chief commons commissioner, George Squibb, in *Re Arden Great Moor* (1977) in North Yorkshire, that a mere legal transaction, such as the grant of a lease or tenancy,

could cause land to cease to be waste. The inspector agreed with us and said that, in determining whether land is waste, one must look behind the legal instrument of a grant of tenancy and consider the impact arising from the grant.

This will be a useful precedent for applications to register waste of a manor under the Commons Act 2006. The decision was reached by a respected barrister after full argument by counsel at a public inquiry, so it is more authoritative than a decision by a planning inspector.

Sceptical

Thus with heavy hearts we shall let the Warcop decision stand but make use of Mr Evan's ruling on the definition of waste of a manor. We remain deeply sceptical as to why MOD wanted to deregister the commons and will keep a close eye to ensure they are not abused in any way. □

Thank you

Our appeal for funds to fight Warcop, Blackbushe and other deregistration applications raised more than £25,000 including gift aid—this is unprecedented for an oss appeal. We are overwhelmed by your generosity.

Murton Fell from the south-west. Photo: Ian Brodie.





Glynde's lost ways

Our Lewes local correspondent, Chris Smith, works with the Sussex Don't Lose Your Way group to research and record lost paths. Here he describes the situation in Glynde, East Sussex.

In October 1901 the parish councillors of Glynde wrote a letter of complaint to the lord of the manor, Colonel Brand, the owner of the Glynde estate. Their tone was deferential and cautious, as well it might be because all of them probably depended on the estate for their jobs and homes.

No trespassing

But they felt that they could not accept the fact that 'no trespassing' signs had been erected on paths that they believed had been public ways from time immemorial. The erection of the signs was almost certainly organised by Colonel Brand's estate manager, Tom Pickard. The councillors identified six paths on which signs had been erected.

In his reply, Colonel Brand disputed three paths, but admitted that the others

were public rights of way. He said that he had only had the signs erected because people from out of the village were using the paths (as they were entitled to do). It seems that the signs were taken down, because after further discussion about the disputed paths the councillors expressed their satisfaction with the outcome.

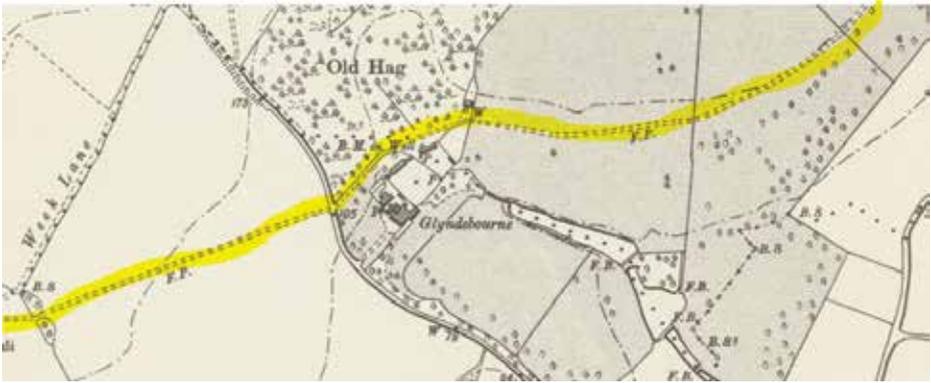
Alas, the route of one of these paths is not on the rights-of-way map today and is lost. The second is on the map. It starts from Glynde post office and runs north-west over Malling Down.

But the third is a different matter. It is described as going past council member William Holford's house and then on to the downs. Mr Holford was the estate's foreman carpenter. He lived in Hillside (pictured below), a house owned by the estate which is still there today, as is the track past it up on to Malling Down although it is not on the definitive map. The house and the track are at the top end of the village.

By 1936 none of these brave men was still on the parish council. So, when the

Left: the track from Hillside (at its southern end) north-west on to Malling Down as highlighted in yellow on the Ordnance Survey first edition six-inch map. The definitive route from the post office lies to the south of this. Right: Hillside Cottage.





First edition of the Ordnance Survey six-inch map showing the lost route (highlighted in yellow) running through Glyndebourne.

council was asked by Chailey Rural District Council to say what rights of way were in their parish, three newer councillors responded. The chairman was Tom Pickard, whom we have already met and who was still the manager for the Glynde estate. The other two were either tenants or employees of the estate.

Perhaps unsurprisingly they only reported one right of way in the whole parish that was on the Glynde estate's land, the one from the post office. They did however identify a further route on the Glyndebourne estate owned by the Christie family, running from Malling Down to Glyndebourne. These two paths were recorded as rights of way.

Unanimously

In 1952, because of legislation to create the first definitive map of rights of way, the council was asked again about rights of way in the parish. Under the continuing chairmanship of Mr Pickard it put forward the same two rights of way but, interestingly, the council unanimously agreed that the path to Glyndebourne continued across the road and through the grounds of Glyndebourne House to the parish boundary with Ringmer, just east of the house.

This path can be seen on a number of old

maps, including the first edition of the Ordnance Survey six-inch to the mile map (see above). It leads to other highways in Ringmer.

East of Glyndebourne House the path is in Ringmer, but Ringmer Parish Council has no record of it and in 1954 Glynde Parish Council unanimously changed its mind, saying that there was no right of way through Glyndebourne. This change of mind may have something to do with the fact that Mr Pickard had resigned from the council. His place as chairman was taken by the estate manager for the Glyndebourne estate.

Suppression

This sort of suppression of rights of way was probably not uncommon and the rights of way would have been lost forever by 1 January 2026, when the definitive map closes to applications for historic routes, were it not for the Sussex Don't Lose Your Way group. It has done the necessary research and applied to add the route from Hillside on to Malling Down to the map, but there is not yet enough evidence to make an application for the path through Glyndebourne.

If any oss members in East or West Sussex would like to join the Sussex Don't Lose Your Way group, please get in touch with the oss office.

Commons combat

We object to proposals to deregister common land and village greens where we find that proper procedures are not being followed.

We are therefore challenging the decision by Dorset County Council to deregister strips of Leigh Common adjoining Leigh Road at Coleshill near Wimborne. Applications to deregister were made under section 19 of the Commons Act 2006 (correction of registration errors). We have written a pre-action protocol letter which may lead to high court proceedings.

We believe the council erred in many respects. It ought to have referred the two applications to the Planning Inspectorate for determination, since the guidance requires it to do so where it has an interest in the outcome. It does have such an interest because the outcome relied on the council's records at the time of provisional registration as a common. Also, the council failed to copy to the society as objector any comments made by the applicant on our objections.

Ignores

Most seriously, the report to the council said that, since section 22(1) of the Commons Registration Act 1965 states that common land did not include highway, the council must have made a mistake in registering highway as common. This ignores the fact that it was not the registration authority's function to decide what to register, its duty was to give effect to an application for provisional registration.

The case has national relevance because these methods could be applied more widely, with authorities granting section 19 applications where they had provisionally registered land which did not satisfy the legal criteria.

There are many highways which were registered as common land with no

objection. If these were now to be deregistered many acres of common land would be at risk particularly from highway improvements.

Bridgend school

Another case under section 19 of the Commons Act 2006 was to deregister a common at Brynmenyn primary school in Bridgend, south Wales.

Bridgend Council proved that the land ought not to have been registered, since it had been taken out of the common for development at the beginning of the twentieth century, but it failed to provide evidence that its predecessor council had made any mistake in provisionally registering the school site. The council did not produce the original three applications for provisional registration, made by others, and the inspector agreed with our objection that it was impossible to say whether the school site had been included in those original applications. The application was refused.

We had said that an application would probably succeed if made under paragraph 6 of schedule 2 to the Commons Act 2006 (buildings and curtilage on common land) but the council persisted with its proposal.

It is important that applications and proposals are correctly decided according to the provisions under which they are made, so that we and other objectors know what legal tests have to be met.

Brynmenyn school, registered common.





Push for lost commons

Thanks to a generous bequest from the late Jack Candy, a member who was an active defender of commons and open spaces in Southampton (OS autumn 2017 page 13) we have appointed Frances Kerner to the new post of commons re-registration officer.

Frances will research commons which are eligible for registration under part 1 of the Commons Act 2006. She will look first at the opportunities in Lancashire and Blackburn with Darwen where we believe there is considerable potential to rescue lost commons, including land with horse-riding rights—but we have only until December 2020 to do so.

Once registered, the land is protected from encroachment and development and the public has the right to walk and, in certain cases to ride, over the whole area.

Frances has enjoyed careers in the private and public sectors, working in health, telecommunications and education. Many years ago, an inspirational history-teacher alerted her to the joy of researching local history. Over time her *Frances Kerner*.



interest developed into rural history and more specifically the survival and inclosure of common land. Frances, who lives near High Wycombe in Buckinghamshire, achieved her PhD on 'Enclosure and survival: common land in the Buckinghamshire Chilterns c1600-1900'.

We are also employing Landmark, a limited-liability partnership, to research 'statutory commons' under paragraphs 2 and 3 of schedule 2 to the Commons Act 2006. These are commons which are recognised in a statutory document (such as a local-authority scheme of management) but escaped registration.

So it's full steam ahead to rescue lost commons before it's too late.

Evasive environment-plan

We have criticised the Department for Environment, Food and Rural Affairs (Defra) for being vague about how it will measure its success in encouraging people to benefit from the natural environment. This was in our response to Defra's consultation on measuring environmental change through its 25-year environment plan which was published in January 2018.

In the consultation, Defra refers frequently to people's 'engagement' with the natural environment. This is a vague term which could just mean watching nature programmes or clicking on social media websites, without ever going outdoors.

We believe that Defra should measure how people actively enjoy the environment, how they get there, what they do, how much they spend, what the

barriers are, whether the paths are clear and the access land is open—and whether people have enough high-quality, natural green space close to where they live.

Natural England's excellent Monitor of Engagement with the Natural Environment (MENE) survey helps to provide these data, although its funding has been cut. We hope that Natural England and Defra will work together to provide sensible evidence of what people need to enable them to get out, enjoy and care for the outdoors.

Fast food threatens common

McDonald's fast-food chain wants to take part of Petridgewood Common near Reigate in Surrey. We objected to its application under section 38 of the Commons Act 2006 to build part of a drive-through road on the common without offering any land in exchange.

We said that the application would be a visual intrusion and interfere with people's rights of recreation; it also conflicts with the environment secretary's policy guidance and it should be made under section 16 of the Commons Act 2006 with land offered in exchange.

Call for speed limits

In our evidence to the government's Glover Review of protected landscapes we called for enforced speed limits on unfenced roads across common land in national parks and areas of outstanding natural beauty.

We emphasised the need to slow traffic across commons so that they can continue to be grazed by stock. Grazing keeps the vegetation down which benefits public access, the landscape, biodiversity and archaeology. Where commons are crossed by unfenced roads with speeding traffic, commoners are of course unwilling to risk their animals for fear of injury to stock or people.

We oppose fencing because it is a blot on



Sign near Yelverton, Dartmoor. Photo: Dartmoor Livestock Protection Society.

the landscape and restricts public access; it is far better to slow the traffic by proper enforcement. On parts of Dartmoor and the New Forest there are already 40-mph speed limits but they are not sufficiently enforced.

We hope the Glover Review will promote the idea in our protected landscapes.

Graham for the trust

We are relieved that the National Trust has resolved that the society should continue to have an appointee on its council. For nine years Beverley Penney from Cardiff did an excellent job for us but now her term has expired. We have appointed Graham Bathe, our former chairman, in her place.

Graham, who lives on the edge of the New Forest, has 40 years' experience in access and the countryside, having

Graham Bathe.



worked for government agencies, local authorities and charities, in Britain and overseas. He led English Nature's access work on the Countryside and Rights of Way Act and, from 2005 to 2011, was the principal project manager for Natural England's work on the Commons Act 2006. He is a former director of the Foundation for Common Land.

Beverly continues to serve as a member of the trust's committee for Wales.

Honister horror

We were dismayed that the Lake District National Park Authority approved the zip-wire at Honister (see OS summer 2018 page 12). Its development control committee overturned the recommendation for refusal from the planning officer Kevin Richards. The application was opposed by Buttermere Parish Council, Cumbria Wildlife Trust, Friends of the Lake District, Natural England, the Wainwright Society and 124 other objectors including the society.

The Honister valley from Dale Head. Photo: Chris France.



The authority rejected a similar application in 2012. Since then the Lake District has been designated a World Heritage Site, making the case against the development even stronger.

We consider this would be an unacceptable intrusion in this wild area, contrary to the purposes of the national park and a breach of the Sandford Principle which requires that conservation should take priority over recreation where the two are in conflict.

The Friends of the Lake District, with our support, has requested the minister to call this in.

Net gain means open space

Defra has consulted on how the public can benefit through 'net gain' when developments receive planning permission. Accordingly, we have called for new developments to include protected open space for recreation.

Until now the focus has been on improving



Saved: Wigston Parva green. Photo: Bridget Jenkins.

biodiversity, an important aim, but better public access will encourage people to enjoy nature.

We believe that open spaces which are part of developments should be registered as a town or village green, or dedicated for permanent public access so that the public benefit is secured for ever.

Wigston Parva green

Leicestershire County Council notified us of an application to deregister part of Wigston Parva village green (pictured above), 12 miles south-west of Leicester. The application was made under paragraph 9 of schedule 2 to the Commons Act 2006 (land which is wrongly registered as a town or village green).

The application land comprised a gravelled drive to a dwelling and farm. We objected because the character of the drive did not satisfy the requirement that the land was 'physically unusable by members of the public for the purposes of lawful sports and pastimes'. Nor was there any evidence to show whether the green was

allotted under an act (typically an inclosure act) for recreation. Such evidence, either of the allotment or research showing no such allotment, is necessary to succeed with an application under paragraph 9.

The council agreed with us and said that it would treat the application as withdrawn. We would prefer that it refuses the application so that it is on the record as having been determined.

All change at Natural England

A new top-team at Natural England is in prospect. Tony Juniper is the preferred candidate for chair—a campaigner who has worked for Friends of the Earth and WWF-UK, among other organisations, and who will support public access.

The interim chief executive is Marian Spain, formerly of the Countryside Commission and Countryside Agency, a member of the New Forest National Park Authority and chief executive of Plantlife—also pro public access and landscape protection.

This is encouraging news. □

Getty gives in

The grandson of oil tycoon John Paul Getty has withdrawn controversial plans for deer fencing alongside and across a bridleway in the Chilterns Area of Outstanding Natural Beauty.

Tara Gabriel Galaxy Gramophone Getty (*sic*) put in a planning application to erect 1.8-metre-high deer fencing alongside and across part of Ibstone bridleway 2A at Twigside Farm in Buckinghamshire. He also intended to install electrically-controlled gates, moving the bridleway off line and creating pinch points.

The route through a lovely, quiet valley is already intimidating, with cameras, CCTV signs, and waymarking of a 'preferred' route away from the house.



Although Mr Getty gave no reason for withdrawing the application, it may have been because the application was strongly opposed, by Bucks County Council as

The bridleway through Twigside.



highway authority, Ibstone Parish Council, the Chilterns Conservation Board, the Chiltern Society, British Horse Society, Cycling UK, the Ramblers and ourselves.

We hope that is the end of it.

Grants for riding routes

In common with other user groups, the British Horse Society is encouraging its members to research and apply for the addition of highways to the definitive map before the 2026 cut off—and for routes to be recorded at the correct status.

With funding from Sport England it is offering a grant of £100 to anyone who makes a qualifying application to add to the map a bridleway, restricted byway or byway open to all traffic (or to upgrade a route to one of these). Details, with application form for the grant, are at <https://bit.ly/2N2xGLA>.

Trunch byway

Thanks to our local correspondent Ian Witham, a route at Trunch, near North Walsham in north Norfolk, which was recorded as a public footpath, has been confirmed as a restricted byway, with rights for riders, cyclists and carriage drivers as well as walkers.

Ian discovered evidence that the 500-metre Postle's Lane had been wrongly recorded as a footpath on the definitive map. He made an application for it to be recorded as a restricted byway. The landowner objected but the inspector, Kathryn Saward, backed Ian and confirmed the route as a restricted byway.

Ian's evidence included the Trunch title map of 1839, an extract from the Finance



The restricted byway at Trunch.

Act 1910 map, the Ordnance Survey's 'Object Name Book' which recorded information about the names given to features on Ordnance Survey maps and which referred to Postle's Lane as a road, an extract from the Ministry of Food Farm Survey (1941-2) map, and various other maps.

Although the road might in the past have been used by mechanically-propelled vehicles, the Natural Environment and Rural Communities Act 2006 extinguished unrecorded motor-vehicular rights in most circumstances and so Postle's Lane is to be recorded without such rights.

The upgrade will make a great difference to horse-riders, cyclists and carriage drivers. (Ref ROW/3200513, 11 December 2018)

Pembs procrastinates

Our member Gill Wislocka, who is secretary of the St Dogmaels Footpath Association in north Pembrokeshire, is deeply frustrated by Pembrokeshire County Council's failure to process applications to add paths to the definitive map.

It has added 11 in the last ten years but there are 40 applications outstanding. The council uses excuses, such as that the route is in an environmental grant scheme, or that it would be too expensive

to maintain, all of which are of course legally irrelevant.

One route which St Dogmaels' residents are anxious to see added is at Ffordd Newydd which provides a useful link in the network. Gill made the application in 2010 but nothing has happened so she will apply to the Welsh minister for a direction to the council to make the order. The landowner has refused to let the footpath association clear the path—with the result pictured below.

When we met the Welsh environment minister Hannah Blythyn recently we were able to quote St Dogmaels as a prime example of why she should repeal the 2026 definitive-map cut off in Wales. With such a backlog of applications in Pembrokeshire and elsewhere, it is absurd to expect all the routes to have been applied for within the next seven years.

Vital

We were also able to point out that St Dogmaels is a Walkers Are Welcome town, bringing visitors and income to west Wales. The path network is vital to its success and to the local economy. □



The path at Ffordd Newydd which needs to be added to the definitive map. Photo: Mick Kendall.



Walk with me: celebrating the Norfolk Coast area of outstanding natural beauty (£9 from the Norfolk Coast Partnership, <https://bit.ly/2GHgtqB>).

This attractive book combines photographs and poems about the Norfolk Coast AONB which had its fiftieth anniversary last year. It is a beautiful evocation of this magnificent, and often unsung, landscape, with photos of boats, creeks, rippling sand, marram grass, marsh, and much more, interspersed with poems by local writers. The journalist and author Patrick Barkham has written the foreword.

The Kent Ramblers Guide to Three River Valley Walks in West Kent: Darent Valley Path, Eden Valley Walk and Medway Valley Walk, by Robert Peel (£7.50 but only £5.25 if you mention *Open Space*; cheques payable to Kent Ramblers, 15 Woodland Way, Petts Wood, Orpington BR5 1NB).



Mediaeval bridge over the River Medway at Aylesford on the Medway Valley Walk. Photo: Robert Peel.

This is a detailed guide to three fascinating walks in Kent, each following a river valley, with advice on use of public transport to enable one to enjoy a linear walk.

Anomalous

The routes and many points of interest along the ways are fully described, with excellent maps and photographs. There is also a useful introduction to the geology of Kent and its river system. The author considers it anomalous that the rivers have cut their own valleys, northwards to flow into the River Thames, and there are many theories as to why this might be.

Fifty years of Adventure: 1969-2019 (Cicerone, £22.50) is another celebration of a fiftieth anniversary, this time of Cicerone, publisher of outdoor-activity guidebooks.

A short history of Cicerone is followed by contributions by many of its authors who write of adventures and memories in the UK and overseas. It does not represent the full spread of Cicerone's interest though, as for Britain it concentrates on the uplands, whereas Cicerone produces many excellent guides of the lowlands too—which we review in *Open Space*.

This is a good read, lavishly illustrated with excellent photographs.

Walking in Cumbria's Eden Valley by Vivienne Crow (Cicerone, £12.95) is an example of what Cicerone does so well. This slim book offers 30, mainly circular, walks, from three to 15 miles, in this magnificent area east of the Lake District. The walks are well described and illustrated, with good maps. **KA**

Join the celebration

This year is the seventieth anniversary of the National Parks and Access to the Countryside Act 1949, which gave us national parks, areas of outstanding natural beauty, national nature reserves, long-distance paths (national trails) and definitive maps of rights of way (see page 2) among other things. None of these was achieved without a great deal of lobbying, and the fight for national parks was long and hard—but the result was that our most splendid landscapes have a strong level of protection which endures today.

With the Campaign for National Parks, Campaign to Protect Rural England, the Ramblers and the Youth Hostels Association we are marking this important milestone.

The first event is in the Peak District, the oldest of the national parks. We meet at noon on Friday 22 March for celebratory walks from the village of Castleton in the Hope Valley, Derbyshire.

You are welcome to join us. If you would like to do so please contact info@cnp.org.uk to register your interest and receive further information about the walks.



Come to our AGM

on Thursday 11 July 2019 at 11 am

Friends House, 173 Euston Road, London NW1 2BJ

If you would like to submit a motion to the AGM, it must reach us, bearing your signature, by midnight on Wednesday 29 May.

If you wish to stand for election as a trustee, we need your nomination, proposed and seconded in writing by members of the society and bearing your written consent, by midnight on Wednesday 29 May. Candidates must have been individual members of the society since 29 May 2018. The trustees meet in London four times a year.

If you cannot attend the meeting you can vote by proxy. Details will be included with the next *Open Space*.

For more information, please contact the oss office.

The Open Spaces Society was founded in 1865 and is Britain's oldest national conservation body. We campaign to protect common land, village greens, open spaces and public paths, and your right to enjoy them. We advise local authorities and the public. As a registered charity we rely on voluntary support from subscriptions, donations and legacies.

Officers and Trustees

Chairman: Chris Beney

Vice-chairman: Jean Macdonald

Treasurer: Steve Warr

Trustees: John Hall, John Lavery,
Chris Meewezen

**General secretary
and editor:**

Kate Ashbrook

Case officers: Hugh Craddock, Nicola Hodgson

Subscription rates

Individuals: ordinary £33 or £3 per month / joint ordinary £50 / life £660.

Local organisations; parish, community and town councils: £45.

National organisations; district and borough councils: £165.

County councils and unitary authorities: £385.

Registered in England and Wales, limited company number 7846516

Registered charity number 1144840



Open Spaces Society, 25a Bell Street,
Henley-on-Thames RG9 2BA

Tel: 01491 573535

Email: hq@oss.org.uk

Web: www.oss.org.uk

£4