

Open Space

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 Open
Spaces
Society

Campaigning since
1865

Open Space

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Cover story

The 600-year-old Panshanger Great Oak—four times as old as the Open Spaces Society—in Panshanger Park, Hertfordshire. The Friends of Panshanger Park are campaigning to persuade Hertfordshire County Council to honour a legal agreement of 1979 and make the land into a country park (see page 4). Photo: Gary O'Leary.



Law denied

While researching our 150-year history, I have been struck repeatedly by the number of times we have taken or backed court action.

Indeed, had we not gone to the courts to assert the rights of commoners and to prevent enclosures, few of London's commons would now survive. Later we used the courts to reopen public paths. More recently we have taken action against the Department for Environment, Food and Rural Affairs at Wisley Common in Surrey (2004), and backed cases to establish the law on village greens at the turn of this century.

Relied

The society has relied on the courts to make and assert the law; we threaten legal action to get results, whether to remove unlawful fencing from a common or illegal obstruction from a path.

Now this kind of activity becomes much harder. The Criminal Justice and Courts Act, which received royal assent in February (page 8), makes it more difficult and expensive for charities to seek judicial review in order to challenge a public body's decision. The act limits our ability to seek a protective costs order which caps costs for litigants. It will also be more difficult to act as an intervener, something we have done in the past because we have expertise to offer in another's case and the outcome is important to us.

The government is deliberately gagging

voluntary bodies. It started with a rant by Justice Secretary Chris Grayling in the *Daily Mail* in September 2013.

He said: 'The professional campaigners of Britain are growing in number, taking over charities, dominating BBC programmes and swarming around Westminster.' He accused campaigners of being left wing and claimed that judicial review 'is used by campaign groups as a legal delaying tactic for something they oppose' such as 'an innovation that would bring economic benefit and jobs.'

Claiming

We've heard that before of course, when government was changing the law on village greens in the Growth and Infrastructure Act 2013 and claiming, without evidence, that people were abusing greens registration to prevent building. Ministers are so closely in league with developers that they will do anything to clear the way for the bulldozers.

If there is a change of regime after the election we shall call for reversal of these pernicious measures, as the shadow civil society minister has already promised.

It is sadly ironic that in this 800th anniversary year of Magna Carta the executive should weaken the public's power of challenge. For the last 150 years this society has confronted overweening authorities and individuals who threatened our commons, open spaces and paths—and we shall go on doing so as best we may.

KJA

Our first fifty years: 1865-1915

This year we celebrate our 150th anniversary. Here is a taster of some of the activities in our first 50 years.

The Commons Preservation Society was formed at a turning point in the history of commons.

In the mid-nineteenth century the pressures on common land shifted from agricultural exploitation to development, while the population of the expanding cities needed green space for recreation.

In response to the threats to the London commons, parliament established a committee to inquire into the best means of preserving open spaces around London for the public (the 1865 Committee). George Shaw-Lefevre (later Lord Eversley), founder of the Commons Preservation Society, was a member.

The 1865 Committee proposed to prevent further metropolitan enclosures. This caused the lords of manors of London commons to begin to enclose them. Amid this furore the Commons Preservation Society was formed. It held its first meeting at Shaw-Lefevre's offices in the

Inner Temple on 19 July 1865 and immediately started fighting enclosures in court.

The Metropolitan Commons Act 1866 enabled any common in the Metropolitan Police District to be regulated and managed by conservators elected by the ratepayers. The scheme had to be approved by parliament. The act greatly reduced the flow of enclosures.

Rescuing

The society played a vital part in rescuing Hampstead Heath, Wimbledon Common and Epping Forest. When in 1866 Lord Brownlow's trustees erected fences on Berkhamsted Common, Hertfordshire, the society and Augustus Smith, Lord of Scilly who had rights of common there, decided to exercise the old right of abatement. They sent 120 navies from London by night to pull down the fences, leaving them in neat heaps. The fences were never replaced; now the common belongs to the National Trust.

A 'little winding, quiet byway', Summerheath Wood, Turville, Bucks.





Access land, Elan Valley in mid-Wales. Photo: Ltz Fleming-Williams.

The Manchester Corporation Waterworks Act 1879 allowed the construction of a reservoir at the lovely Thirlmere in the Lake District and the society won clauses giving the public the right of access to adjacent common land. These set an invaluable precedent, providing access to commons in the Elan Valley, mid-Wales, in 1892, and subsequently to others.

Frustrated

Throughout the 1880s the enclosure of commons continued, and those campaigning for them were frustrated because the society could not hold land for the public good. In 1884 Robert Hunter, a committee member of the society and its former solicitor, had the idea of creating a landholding body, but it was not until 1895 that he, with two other society activists Octavia Hill and Canon Rawnsley, founded the National Trust with Hunter as its chairman.

The society provided the trust's first office and seconded its employee Lawrence Chubb as the first secretary. The society also formed local committees to purchase threatened land for the trust. Hindhead Common and the Devil's Punchbowl (1906) is one of many examples.

By the time of its annual meeting on 15 June 1888, the society was moving into the defence of public paths. Lord (Henry) Thring, first parliamentary counsel,

proposed a resolution to approve 'the Bill for the better protection of footpaths and roadside wastes' which had been prepared by the society and introduced into the house of commons by the chairman. It also called on the society to 'act as the centre of advice for local footpath societies in relation to the subject'.

Octavia Hill, seconding the resolution, eloquently described how the 'little winding, quiet byways with all their beauty' were vanishing. She concluded that paths 'are a common possession we ought to try to hand down undiminished in number and in beauty for those who are to follow'.

Unanimously

The resolution was passed unanimously and thereafter the society set up local committees to protect paths. It merged with the National Footpaths Society in 1899 to form the Commons and Footpaths Preservation Society. Local groups were created, such as the Wirral Footpaths and Open Spaces Society on the Cheshire coast in 1890.

The society drafted a bill to protect public paths in 1906 but this was not to become law until the Rights of Way Act 1932.

We are publishing two books for our anniversary: *Saving Open Spaces* and *Common Land*. See back cover.

Panshanger's procrastination

Gary O'Leary, chairman of the Friends of Panshanger Park, writes about the group's campaign for completion of a country park.

Panshanger Country Park, between Hertford and Welwyn Garden City in Hertfordshire, should by now be largely open to the public. Instead, only one-third of the 900 acres of parkland is accessible.

The legal agreement for delivery of a country park was signed in January 1979. It allowed the owner, Lafarge Tarmac, to take minerals in exchange for the creation of a country park within this grade II* listed park and garden. It was to be opened progressively from 1989—but that is yet to happen.

Local people, frustrated by decades of delay in opening the park, formed the Friends of Panshanger Park in 2013. Through the friends' efforts one third of Panshanger Country Park finally opened in April 2014. However, nationally-significant and beautiful areas are still closed, including the site of the 600-year-old Panshanger Great Oak (see cover),

The original driveway to Panshanger House from Hertford, open in Victorian times then closed until the friends organised the 'people's walk' in March 2014. Photo: Donald Street.



selected at the Queen's Golden Jubilee as one of 50 greatest trees in Britain.

The friends have brought thousands of new people into the park's open area through guided walks and other recreational activities, such as the recently launched, weekly, five-kilometre Panshanger Parkrun.

The Panshanger estate has a fascinating landscape history. In 1797, the fifth Earl Cowper began improvements. He employed landscape designer Humphry Repton who produced before-and-after designs in 1799 with suggestions for the house and lake in which he took full advantage of the topography. The valley, chalk stream, lakes and ancient woodland of his design remain intact.

Obfuscate

The authority responsible for holding Lafarge Tarmac to account for delivery of the park and its facilities is Hertfordshire County Council. The council has let down the local community, allowing the owners to delay and obfuscate instead of requiring immediate action.

Also disappointing has been the attitude of Herts and Middlesex Wildlife Trust, a member, with the council and owners, of the management committee. The trust insists on excluding the public unnecessarily from certain areas and has erected close-board fencing across one of the park's finest views of the lake.

The friends are keeping up the pressure for full restoration of, and access to, the parkland. See www.friendsofpanshangerpark.co.uk. □



Commons deregistration

Our member Hugh Craddock explains how to ensure you know about applications to deregister commons and greens.

We said in *Open Space* autumn 2014 that the government was proceeding with implementation of provisions to enable the removal of land from the commons registers where an error had been made. Now it is time for members to investigate any applications which come forward, and consider whether to object. Fortunately, new regulations make it easy for you to be alerted to new applications.

Pave the way

On 15 December 2014, certain provisions of part 1 of the Commons Act 2006 were brought into force throughout England (but not yet in Wales) which pave the way to applications to any of over 150 commons registration authorities to deregister land in certain circumstances. These are primarily where an error can be shown to have been made in the original application, where the land was covered by buildings or the curtilage of buildings at the time of registration, or where the land was registered owing to a mistake made by the authority. Both common land and town or village green are eligible for deregistration under these rules.

These new provisions were first commenced in the seven, now nine, authorities which pioneered implementation of part 1: Blackburn with Darwen, Cornwall, Devon, Herefordshire, Hertfordshire, Kent and Lancashire and, from last December, Cumbria and North Yorkshire. Since 2008, there has been a modest flow of deregistration applications

in the pioneer areas, typically for long-established buildings or gardens, but in one case (which was granted) for a whole common. Whereas these applications were formerly referred to the Planning Inspectorate for determination, in future most will be decided by the registration authority. That makes it doubly important that applications are vetted by local correspondents and others, and that we don't let applications go through without proper scrutiny.

The society is not automatically notified of these applications, so we cannot always alert members. But you can be informed provided you have access to email. Every registration authority must keep an electronic mailing-list, and notify everyone (who asks to be put on the list) of any application made to the authority under part 1. There's no charge for this service.

Pioneer

To get on the list, all you have to do is to write to each authority which you want to send you notices. If you're asking a pioneer authority, you'll be notified of *all* applications made to it, not just for deregistration—but don't worry, there still won't be very many! You can also ask the pioneer authorities to tell you of their own proposals to amend the register, ie those initiated by the authority itself.

We have updated the oss website (<http://bit.do/YQwp>) to include a form of words which you can use to write to an authority. A few authorities, primarily some of the inner London boroughs and some other metropolitan borough councils, do not have any registered land:

there's not much point in asking to be included on a list held by these. And a few others will not be familiar with their commons registration functions, so may not know what to do with your request.

A request is free, so you can send one to the authority for every area in which you take an interest.

If you are notified of an application, see if details (such as the application form and a map) are published on the authority's website, or ask for them to be emailed to you (if needs be, you could make a request for an electronic copy under the Environmental Information Regulations 2004). Then check the application.

- What provision is it made under, and what statutory tests must be met?
- How much land would be deregistered?

- Would it harm the setting of the common or green?
- Would the application affect public access?
- Does the evidence look sound for *all* of the land included in the application?

If the application is made under para 7 or 9 of schedule 2, the evidential requirements are tough: it may be worth seeking advice from the OSS office.

Applications can be determined on written representations, or after a hearing or public inquiry. Defra guidance on the process is at <http://bit.do/YQww>.

The 2014 regulations do not afford a right outside the pioneer areas to be notified by email of applications to register town or village greens under section 15 of the Commons Act 2006 (but if you want to find out about these, you could ask).

Legacies matter

Our treasurer, Steve Warr, writes:

Protecting common land, village greens and public paths is a struggle that requires persistence and long-term commitment. If we relax our guard even for a short time we can lose rights, access or landscapes that may never be recovered. This year the Open Spaces Society marks 150 years of consistently maintaining this fight.

We are a membership-funded organisation, able to continue this work only through the generosity and support of our members and other donors—we have no government funding.

Subscriptions, donations and appeals to members generally cover about half our annual running-costs. The remainder comes from legacies, which have, over time, built up reserves that we can draw on

when needed, and which generate investment income to supplement our other revenue. Without legacies we would not have the reserves and investments which underpin our future.

Supporting the Open Spaces Society during your lifetime is one thing, but leaving a gift that will support our work afterwards can really help. A large proportion of people in the UK have not written a will. If they die without one, their estates are divided according to statutory rules and any charities that they wish to support will miss out.

If you have made a will and wish to add a gift to a charity, you can do this by a simple addition (codicil).

It is a good thing regularly to review your will as it ensures that your wishes are followed. Please remember the Open Spaces Society when you do.

Progress on Welsh greens

We are encouraged that the Welsh Government appears to be moving in our direction on village greens.

To our dismay, the Planning (Wales) Bill copied the (English) Growth and Infrastructure Act's attack on village greens (os autumn 2014 page 12).

After the Planning Bill was published, the National Assembly's Environment and Sustainability Committee was charged by the assembly to consider the bill's general principles. The committee heard oral evidence, from our case officer Nicola Hodgson among others, in December.

She reiterated our contention that there is no evidence that the greens-registration process is being abused to stop development. We therefore called for removal of the 'trigger' events which would prohibit applications for village greens where land has been identified for planning purposes.

Amendments

The Minister for Natural Resources, Carl Sargeant AM (whom we met last autumn), has given further consideration to our concerns and has confirmed that he will bring forward amendments to the 'trigger' events. In effect, these mean that the prohibition on greens applications only applies once planning permission has been granted, not when development is proposed—a significant improvement.

The committee published its report on 30 January 2015 and stated that 'the provisions of the bill in relation to town and village greens, as currently drafted, have caused us some concern'. The committee has recommended that the minister makes three amendments to the bill to protect town and village greens.

The first is to alter the 'trigger' events as already outlined by the minister. The second is to remove a provision which will reduce from two years to one the period within which a town or village green application can be made. The one-year period is already law in England: if landowners challenge use of their land, people have only a year in which to research and apply for a green.

Fees

The third recommendation is to remove a provision to set fees for applications to amend the town and village green register. Such fees could prevent community groups from applying to register their much-loved green spaces.

We believe progress is being made and we thank members for providing us with information and for lobbying their Assembly Members. We urge you to keep up the pressure on your AMs to ensure the bill is amended in line with the committee's recommendations. □

Village green at Penpedairheol, Hengoed, Caerphilly, registered in 2003. Photo: Steve Morgan.



A dangerous new law

The new Criminal Justice and Courts Act 2015 could severely affect our work. Nicola Hodgson explains.

Measures in the Criminal Justice and Courts Act part 4 stymie the ability of bodies acting in the public interest to seek judicial review.

These changes apply across the board despite the fact that they may conflict with European law. The new provisions have little evidential basis and were widely opposed by environmental and public-interest groups.

In future a non-governmental organisation seeking judicial review must show the courts that either it is 'highly likely that the outcome' for the organisation would have been 'substantially different' if the 'conduct complained of had not occurred', or that the case is of 'exceptional public interest'.

Greater costs

This means that we may not be allowed to challenge a decision at judicial review on behalf of our members. And if we are allowed to do so we may face greater costs since the act reduces our ability to seek a 'protective costs order'. This caps costs for litigants who would otherwise not be able to afford judicial review.

Under European law, the Aarhus Convention guarantees public access to justice in environmental cases that is fair, equitable and not prohibitively expensive. Currently the judge decides whether the Aarhus principles apply to a case. In future this will be determined by the Secretary of State for Justice. It appears that the new law conflicts with Aarhus especially in relation to costs.

The people and bodies providing funds towards a judicial review (above a threshold yet to be defined) must be declared to the court, with information about their financial resources.

It is important that charities can be 'interveners' in judicial reviews as third parties who are permitted to address the court because they have expertise in an area. We were set to intervene in the South Bank village green case last year (OS autumn 2014 page 6) because the outcome was important to us and we had experience to offer (in fact the matter was settled out of court).

Deter

In future the court will be able to award costs against interveners in a variety of circumstances. Until now interveners bore their own costs and not those of the other side. The new risk of costs will undoubtedly deter charities from intervening, and the public will lose out.

During the bill's passage through parliament small improvements were made by the lords, only to be largely rejected by the commons. We are now left with legislation which will have a profound and damaging effect on our ability to seek or support judicial reviews in the public interest. □

Tweet of the day

To celebrate our 150th anniversary we are issuing a 'tweet of the day', a daily bulletin of our many achievements, with the hashtag #saveopenspaces150. The list is on our website at <http://bit.do/YWQ7>.



Threat to Thirlmere

In 1878 the Commons Preservation Society withdrew its objection to the bill which authorised the construction of Thirlmere reservoir in the Lake District, in exchange for a clause giving the public a right of access to the fells which 'shall not be in any manner restricted or interfered with'. This clause became section 62 of the Manchester Corporation Waterworks Act 1879 and was an important precedent (see page 3).

The corporation's successor, United Utilities (UU), seems to be ignoring this. It has applied for consent under section 38 of the Commons Act 2006 for nearly ten kilometres of fencing across the commons here. Of course this will restrict and interfere with public access, no matter how many gates and stiles are provided. So even if UU does get section 38 consent we believe that it cannot lawfully erect the fence.

In any case the fence would be an eyesore in a wild area, spoiling people's enjoyment, and it could threaten the

pending World Heritage Status of the Lake District National Park.

UU's aim is to reduce stock grazing to prevent erosion of vegetation which is then washed into watercourses. We do not consider it has provided sufficient evidence that the fence will have the desired effect. We want it to withdraw the application to allow a rethink.

The Friends of the Lake District, Ramblers, Federation of Cumbrian Commoners and Wainwright Society are among the objectors.

Speaking out

This society prides itself on speaking out, when others do not. However recent attacks on the legitimacy of campaigning by charities require pause for thought. These include a jibe from civil society minister Brooks Newmark who said that charities 'should stick to their knitting' and keep out of politics, and a complaint by Conservative MP Conor Burns to the Charity Commission about an Oxfam campaign.

The summit of Ullscarf, south-west of Thirlmere, on the line of the proposed fence, looking west to Great Gable. Photo: Ian Brodie.





Firle Beacon from the Old Coach Road. Photo: Chris Smith.

The commission received complaints about Oxfam on two separate issues, one in respect of an advertisement broadcast by social media calling for an end to the blockade in Gaza, and one relating to a tweet sent from the charity's twitter account, with a mock poster entitled *The Perfect Storm* about how austerity is forcing people into poverty.

The Charity Commission's response (<http://bit.do/YUiv>) in December 2014 was encouraging. The commission recognised that campaigning and political activity can be legitimate and valuable activities for charities to undertake in furtherance of their purposes. The report found that Oxfam was acting within its remit, and had no intention of being party political.

It is reassuring that we can continue to speak out to uphold the values of the society and our members.

Tax free – for what?

Jerry Pearlman, our local correspondent for Leeds and former honorary solicitor of the Ramblers, wrote a booklet in 1992 called *Give us some quo for our quid!* In it he exposed the iniquity of estates which claimed inheritance tax exemption in return for public access that was kept secret.

In those days the agreements were not

publicised. Now they are, on the HMRC website at <http://bit.do/ZaPJ>.

Jerry urges members to look up their local sites, check whether the access gives value for money and let him know the results. He is compiling a spreadsheet to see how the scheme is working and whether the public is getting a *quo* for its *quid* or just being ignored.

Please send your findings to jerry.pearlman@oss.org.uk or by post to the office in Henley.

Firle fiasco

Chris Smith, one of our local correspondents in East Sussex, has researched the inheritance tax exemption agreement for the Firle Estate (above) near Lewes. Firle has obtained tax exemption on nearly the whole estate in return for public access.

However, all that it is required to provide for this public money is two short footpaths, one of about 500 metres between Charleston Farmhouse and the old coach road, the other of 375 metres from the car-park at the Barley Mow Inn, Selmeston, south to the lane. The estate has agreed to post information about the paths (but none can be seen), and to waymark its rights of way (but East Sussex County Council is not aware of this). So no *quo* for our *quid* there.

Beauty-spot under siege

The Walkers Are Welcome town of Church Stretton in the Shropshire Hills Area of Outstanding Natural Beauty is threatened by development on the slopes of nearby Caer Caradoc, a dramatic hillside close to the town. Morris Property wants to build 85 dwellings and 16 holiday units over fields immediately to the south-west of Caer Caradoc. Not only would these spoil the approach to the hill but they would ruin the views from the surrounding tops. The housing would be close to access land, and a popular public footpath would disappear. There are over 270 objections.

Circuit of Wales

A public inquiry opens in March into the Heads of the Valleys Development Company's proposed common-land swap. Under section 16 of the Commons Act 2006 the company must provide land in exchange for the common which it plans to use for the Circuit of Wales motorsport development.

The circuit and buildings will occupy a square mile of common on the slopes above Ebbw Vale. In exchange the company is offering seven scattered sites. Six belong to Blaenau Gwent Council and one, which is more than one third of the total exchange land, is leased by the Welsh Government—part of Wentwood

Proposed exchange land at Waun y Pound, Blaenau Gwent, already enjoyed for public access. Photo: Maggie Thomas.

Forest in Monmouthshire, 30 miles away. Most of the exchange land is already enjoyed by the public, some by right, so there would be little gain. Other parts are too wooded to be accessible.

The common to be taken is subject to horse-riding rights and we do not consider that the exchange land is in the main suitable for riders, or that the requirements for riders have been considered. Moreover, we believe the Welsh Government has a conflict of interest, as lessee of part of the exchange land and as the decision-maker.

The Brecon Beacons National Park Authority, Brecon Beacons Park Society, Gwent Wildlife Trust and OSS are among the objectors. Welsh Assembly members are also taking an interest. Antoinette Sandbach, the shadow environment minister and Conservative Assembly Member for North Wales, recently led a debate on the concerns about the circuit.

The development has already been long delayed and we suspect that the developers were not aware of the complexities of building on common land.

Relief for Hardy's hamlet

Kingston Maurward College has withdrawn its plans to build 70 houses on parkland at Thomas Hardy's hamlet of



Lower Bockhampton in Dorset. Hardy was born at nearly Higher Bockhampton. We were among hundreds of objectors to the development, which would have devastated this tiny hamlet and its surroundings, and spoiled people's enjoyment of the public-path network.

We hope that the college has learnt that any development on this sensitive site will incur massive objection.

Badley Moor access blocked

We have congratulated Dereham Town Council in Norfolk for its robust defence of the lovely Badley Moor Common. This has rights to walk and ride—but no means of getting on to it. The gate leading to the common has been locked for more than three years and the adjacent stile has been removed. A public footpath ends at the common's boundary.

The council has written to the landowner, Mr Nick Anema, asking him to open up the access. We have called on Natural England to investigate this too.

Awarded land

Last autumn we objected to a planning application from Hendy Wind Farm Ltd for seven wind-turbines and ancillary

development close to common land, near Llandegley Rocks five miles east of Llandrindod Wells in Powys (OS autumn 2014 page 10). We also objected to applications for works on common land to accommodate an access track and

Help us reach our target

We are aiming to recruit 150 members in our 150th anniversary year. Please introduce a member to the society and win one of our anniversary books (see back cover) as a thank-you. We have recruited 21 in January so we have 129 to go.

vehicle wheel-wash facility, and exchange of common land to allow widening of a byway.

We then discovered that the land occupied by four of the turbines and some of the land to be offered in exchange was awarded in 1885 for permanent public access by the Hendy Bank and Llandegley Rhos Inclosure Awards. The turbines would interfere with public access, and the exchange land would offer nothing additional to the public.

We wait to hear what the Planning Inspectorate makes of our discovery. □

Come to our AGM

on Thursday 9 July 2014 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 27 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 27 May. Candidates must have been individual members of the society since 27 May 2014. The trustees meet in London four times a year.

It will be possible to vote by proxy. Details will be included with the next *Open Space*.

If you would like more information, please contact the office: telephone 01491 573535, email hq@oss.org.uk.

Path Issues

Mexico Crossing

We are dismayed that the order to extinguish nine metres of footpath at Ludgvan in Cornwall has been confirmed.

Those nine metres, known as Mexico Crossing, took the path across the main London-Penzance railway line two miles east of Penzance. Our member the Friends of Long Rock Mexico Crossing (FOLRMC) represented the society at the public inquiry last October. The Ramblers, West Cornwall Footpaths Preservation Society and a number of individuals also appeared. There were 154 objections to the order including Ludgvan Parish Council and MP Andrew George.

The inspector, Heidi Cruickshank, ruled that the order be confirmed.

The order was made under section 118A of the Highways Act 1980. The inspector had to be satisfied that it was expedient to confirm the order having regard to all the circumstances and in particular to (a)

Congestion at the vehicular crossing—which everyone must use now that Mexico Crossing is closed. Photo Rob Nance.

whether it was reasonably practicable to make the crossing safe for use by the public and (b) what arrangements had been made for ensuring that appropriate barriers and signs were erected and maintained.

There had been a fatality on the crossing in October 2011 and, following receipt of the coroner's report, Cornwall Council had temporarily closed the crossing on 21 December 2012 under the Road Traffic Regulation Act 1984.

Multi-use

The village of Long Rock lies to the north of the railway line. To the south of the railway is a public footpath, a multi-use trail which is part of a promoted cycle route and the South West Coast Path. From here people can easily reach the beach.

Once the crossing was closed walkers had instead to use the barrier-controlled, vehicular Long Rock crossing, which is 200 metres to the west. Access to it is along the busy, narrow Marazion Road.



Alternatively there is a crossing further away to the east, at the Station House Bridge.

The objectors argued that the existing crossing was safe provided users took moderate care, further measures could make it even safer, the route was popular and gave the public access to the beach, and closure would harm local businesses.

Alternative

The inspector said of the alternative route: 'I agree that for most people there will be a two-way journey, to and from their home, leading to an overall distance of approximately 1.2 kilometres and time of around 17 minutes. For some users, for example the elderly or those with young children, this would take longer'. She estimated that this could be a return journey of 25 minutes.

The FOLRMC presented a witness aged 80 who used the crossing regularly. Having seen the sea every week since she was a child she had not now seen it for the two years since the crossing was closed.

The inspector admitted that 'there are fantastic amenities to the south of the railway' and went on to say 'I agree that an additional distance may be inconvenient to users and, for some, may prove to be a step too far in terms of whether they feel able to make the journey at all'. However she then opined that with the proposed improvements to the alternative routes 'more people will feel able to make use of them'.

Deregulation Bill

The Deregulation Bill is expected to receive royal assent before the May election. The rights-of-way clauses remain unaltered (see OS spring 2014 page 16). Then the regulations and guidance must be written so the act will not take effect until 2016, only ten years before the 2026 definitive-map cut-off.

Having considered the conflicting interests: the closure of the crossing for the safety of those who use it, and the value to the community of retaining the crossing, she decided that 'greater weight should be given to the safety of individuals over the potential inconvenience and losses identified by the objectors' although it was 'a fine balance'.

It seems that the inspector gave too much weight to safety rather than to the many other factors which are embraced by 'expediency' (see the Bodicote judgment, OS spring 2013 page 7). We fear that it may create a precedent for other rail-crossing path closures. We congratulate FOLRMC for its fight and are sorry that its efforts were not rewarded. (FPS/D0840/3/3, 12 December 2014)

Good news at Godstone

We have helped to save Godstone footpath 140B in Surrey from diversion. There was a hearing into Surrey County Council's diversion order last December. Objectors included Godstone Parish Council, Godstone Preservation Society and local landowner Margaret Duigan.

The footpath, at the foot of the North Downs escarpment, runs from the A22 Eastbourne Road south-west to Harts Lane, emerging close to Harts Lane Cottage. The cottage owner wanted to divert the path so that it joined the lane 190 metres to the east.

The inspector, Helen Slade, rejected the diversion largely because it would require walkers to use the narrow, dangerous Harts Lane, a point emphasised by the society.

The inspector agreed with the objectors that most users of the path would be travelling in a north-east/south-west direction, linking to routes towards Tandridge and the North Downs. Therefore they would be likely to have to walk further on the lane than at present.

Many walkers head for the pub on Tilburstow Hill Road, and the existing path joins the lane closer to the pub.

Mrs Duigan instructed a specialist rights-of-way lawyer and a traffic consultant and produced survey results to show that, although the speed limit on Harts Lane is 40 mph, about 15 per cent of drivers exceed this. The traffic flow on Harts Lane is significant—over 900 movements on a weekday in both directions. The lane has no pavement, exiguous verges and high hedges, all of which make it impossible for walkers to avoid vehicles. (FPS/B3600/4/80, 17 December 2014)



Ray Mead Road, an unsuitable route for a national trail.

Road instead of holding out for the riverside route.

Landowner statements

We have asked commons registration authorities in England to tell us of notices deposited by landowners which challenge people's right to use land. These allow local people only one year in which to research and submit a claim for a town or village green. We pass the information to members in the area and hope to hear whether you believe the land is eligible for registration. We also ask you to check that notices remain in place at the entry points for at least 60 days.

In 2014 we reported 176 cases to members but only 20 replied. Do please help if you can.

Thames Path travesty

The River Thames is the crowning glory of the town of Maidenhead. Of course the Thames Path National Trail should run alongside the river. However, just north of Maidenhead Bridge the path ducks inland, alongside the busy Ray Mead Road. This is because the owner of the riverside Bridge View block does not want the occupiers to overlook a path by the river.

Frightened by the prospect of large compensation costs, the council decided to improve the footpath along Ray Mead

In February, despite our objections, the council granted itself permission to extend the existing footpath alongside the road by about 17 metres and widen it to 1.5 metres.

However Ray Mead Road runs past the front of Bridge View and the occupiers are accustomed to park their cars in front of the properties. If they continue to do this they will drive across the footpath and, because insufficient width is allowed, will park over it, putting walkers at risk.

The council has said it will enforce against this but it has neither the staff nor the resources to do so.

To call this route the Thames Path is a travesty. □

Comprehensive map

The London Green Belt Council was formed 60 years ago, in 1955. The council, which consists of over 100 organisations including the society, has published a map of the London green belt, to alert politicians of its importance in the run-up to the election.

The map, priced £10 from Stanfords, London, contains much useful information and is fascinating to study.



Our Common Heritage, subtitled 'A collection of six essays about the social history of Chiltern Commons', Chilterns Conservation Board. Pb 98 pp lavishly illustrated. No price or editor given.

This is a most useful publication. It was handed out to those who attended the board's conference on the subject in January this year, and it is a great shame that no editor is named. However, the book sprang from the board's Chiltern Commons Project which was 'guided throughout' by Rachel Sanderson to whom the credit for this publication is surely due. If you cannot get the book try it online (<http://bit.do/ZhNq>), but it reads better in print.

Outstanding

Six essays, whose authors range from established historians to inexperienced amateurs, are naturally of variable quality. Outstanding as contributions to knowledge of the area are 'Enclosures in Watlington: the full circle', 'Dissent [sic] to Domesticity, a brief history of nonconformity in the Chilterns' and 'On Common Ground' contributed by Laura Mason, Andrew Muir and Anne-Marie Ford respectively.

Laura Mason demonstrates the symbiosis of common land and the socio-economic condition of the people from the mediaeval period to nineteenth-century Watlington; today there is only a tiny scrap of common (1.22 ha), lingering as a nature reserve, in the entire parish. On the intensively-farmed fields and the open grassland of Watlington Hill (cherished by the National Trust), it is easy to forget

that for centuries the commons and their erosion were a source of tension, bitterness and bloodshed. In 1549 William Boolar, ringleader in a local rising caused at least in part by enclosure, was hanged on market day for maximum impact. And nearly three centuries later Watlington men were transported for crimes linked to their poverty which derived in some degree from enclosure.

Dissent

Andrew Muir on dissent has little to say about commons apart from the occasional mention of nonconformists' open-air preaching on them, but his essay is a good read for anyone interested in the long history of dissent in the hills from the persecuted Lollards to the dwindling Methodists and Baptists of today. His maps are especially enlightening. Anne-Marie Ford is a genealogist of Gypsies and shows how, encamped on the commons, especially in the hill-top villages, they contributed to local industries such as brick-making, as well as to the fairs and feasts on these sites.

The other three pieces are of lesser account. Philip Clapham on the drovers of sheep and cattle through the Chilterns, combines entertainment and information; Susan Maguire's investigation of Woodcote's water supply is interesting but brief. She might usefully have read the late Pat Preece on 'Water-supply problems in the upland villages of the Oxfordshire Chilterns, 1872-1905'; and Norman Groves's piece about military training on Berkhamsted Common in WWI fits in with the current centenary, but tells us little about the common.

Chris Hall

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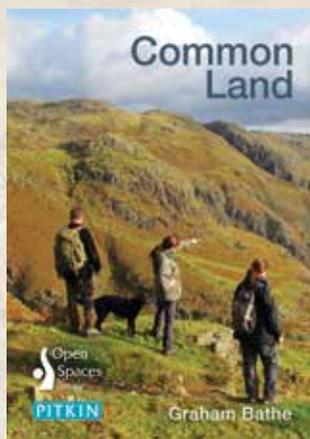
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During 2015, members can take part in a variety of events and activities to celebrate our 150th anniversary - please see calendar below or visit <http://www.oss.org.uk/our-150th-anniversary/> for further information.

150th anniversary calendar

- | | |
|--------------|--|
| 9 August | Big Picnic on the Rye, High Wycombe, Bucks (jointly with the High Wycombe Society) |
| 19 September | Open day, Bursledon, Hampshire (hosted by the Bursledon Rights of Way and Amenities Group) |
| 30 September | Closing date for 150 Anniversary photo competition |
| 11 October | Open day at Ashted Common, Surrey (hosted by the City of London Corporation) |
| 18 October | Planting an oak tree to celebrate 150 years since the award of Nottingham's allotted open spaces |

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.

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