

Open Space

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 Open
Spaces
Society

Campaigning since
1865

Open Space

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Cover story

Hillside near the old Trecastle road in the Brecon Beacons National Park, Powys, by Vit Javorik, winner of the 'Paths' category in our 150th-anniversary photo competition. The Welsh national parks face significant budget-cuts, and the society is keeping a close eye on the Welsh Assembly's Future Landscapes Wales working group which will influence the fate of the Welsh protected areas.



Space invaders

Public funding is being cut and our green spaces exploited to fill the gap. In London, communities are fighting motor racing in Battersea Park, and festivals on Acton Green, Clapham Common and Finsbury Park—among countless battles.

But we have a new Mayor of London, Sadiq Khan, who has made welcome manifesto pledges to ‘strengthen protections for open spaces within the London Plan’ and to ‘open up more walking routes around London’—and many others. He should outlaw the commercial abuse of London’s open spaces for a start.

Slashing

It’s not just London of course. Last year Surrey County Council decided to ‘achieve a self-funded countryside estate’ by 2021, slashing its payment to Surrey Wildlife Trust (which manages Surrey’s estate) by more than ten per cent (£100,000) a year.

Surrey wants to make money from the beautiful Newlands Corner near Albury in the Surrey Hills Area of Outstanding Natural Beauty. The proposed commercial developments there, which include a large visitor-centre (replacing the much-loved café), coach park and trail with artificial play-structures, are causing much local concern. Some of the structures would be on common land, needing ministerial consent. This sensitive site is not one to muck around with; we shall resist.

And now the national parks, our most precious landscapes, are cashing in. The 15 UK park authorities have launched the National Parks Partnership; its aim is to enable businesses to engage with them ‘to enhance the quality and utility of the parks now and for future generations’.

Some hopes. Businesses will want their profits from the scheme through Disneyfication and crassly inappropriate sponsorships. Furthermore, the park authorities will be competing for money from the same pot as the voluntary, campaigning, park societies, such as our members the Dartmoor Preservation Association and Friends of the Lake District, who could suffer as a result.

The English parks had a funding-reprieve, thanks to the brilliant ‘Stop the Cuts’ action led by the Campaign for National Parks. But the Welsh parks remain at serious risk. This ‘partnership’ must not give governments an excuse further to reduce cash for national parks.

Mitigate

Meanwhile, we can mitigate this.

Following the example of Save Penwith Moors in Cornwall, we can research and record missing common land in the ‘pioneer’ areas of England (page 3). And we can also research and record public highways which have been omitted from the definitive maps (page 5).

Deadlines are tight—for commons 2020 or 2027, for paths 2026. Let us act now to restore some of our losses. **KJA**

Gems of the greensand

Sevenoaks District Council (SDC) in Kent has won Heritage Lottery funding for a project on the greensand commons.

These commons are Kent's hidden gems. They embrace nearly 300 hectares of varied habitats in two clusters around Sevenoaks and Westerham in the Kent Downs Area of Outstanding Natural Beauty.

Although they have great potential for wildlife and public enjoyment, the commons are underused and unappreciated. Now that can change.

The commons include Bitchet, Fawke, Seal Chart and Redhill Wood Commons at Sevenoaks, and Hosey, Farley and Crockhamhill Commons at Westerham. Most of them are owned by two large estates: Knole near Sevenoaks and Squerryes near Westerham. Since 1925 they have been managed by SDC, under a Commons Act 1899 scheme for the benefit of local people.

Ranging from high forest to coppiced woodland, the commons include habitats such as wooded heath which are rare in other parts of the UK. They share a rich *Representatives of Kent Wildlife Trust and Seal Parish Council meet on Seal Chart common.*



natural and human history and have been an important resource for generations of local communities.

SDC, with much support (OSS included), has won £65,900 from the Heritage Lottery to develop plans to enhance public access to the commons while improving them for wildlife. The project will be managed by Kent Wildlife Trust and overseen by a steering group composed of, among others, landowners, parish and town councils, local user groups and schools.

The grant enables SDC to employ a project officer who will work with communities to produce detailed proposals for the second round of funding in 18 months' time. It is expected that the full project will take four years.

Children

The aim of the project is to involve the local population and especially pupils at primary and secondary schools, thereby inspiring children to get involved in ecological surveys and long-term monitoring and to value the commons on their doorstep.

The plan is also to recruit and train people in conservation work, form volunteer work-parties, support the formation of a friends' group for each common, and develop conservators of the commons.

The next stage will be consultation with interested parties, when project ideas for each of the commons can be developed for the whole bid. We shall want to ensure that full access to the commons is recognised and addressed.

Taking action



Protecting commons

It is now 18 months since the government in December 2014 enabled people to apply to deregister common land and greens throughout England (but not Wales). Our new additional case officer, Hugh Craddock, reports on the implementation of this and other provisions in part 1 of the Commons Act 2006.

Eight years ago, part 1 (which among other things allows amendment of the common land and village green registers in certain circumstances) was brought into force in seven initial 'pioneer'-authority areas (Blackburn with Darwen, Cornwall, Devon, Herefordshire, Hertfordshire, Kent and Lancashire). In December 2014, Cumbria and North Yorkshire county councils were appointed to join them.

About 70 per cent of the area of common land in England is now registered with these pioneer authorities under the new provisions in part 1. While the pioneers account for most of the common land by area, they constitute only five per cent of the commons registration authorities in England, and most councils still maintain their registers under the Commons Registration Act 1965, 11 years after the 2006 Act received royal assent.

Implement

But instead of increasing the number of pioneer authorities, or fully delivering part 1 across England, the Department for Environment, Food and Rural Affairs chose to implement only the provisions for deregistration of land among the remaining 95 per cent of registration authorities. This imposes on them almost

as much complexity, but denies the public (and registration authorities themselves) the balancing opportunity in part 1, ie to get new land registered and to bring the registers up to date.

Members now need to be alert to applications which can be made to deregister commons and greens *anywhere* in England. Yet there remain many opportunities to register new common land and greens within the pioneer areas. And, just as we must claim our historic routes by 2026, so we must face impending time-limits on applications to register new land (*see below*).

Criteria

Anyone can now apply to deregister common land or town or village green in England. The criteria which applications must meet are quite strict: broadly speaking, the land must have been built upon, or have been incorporated in the curtilage of buildings, since it was provisionally registered in the 1960s.

Alternatively, if (but only if) the registration of the common was not disputed (and not therefore inquired into by a commons commissioner), the application must show that the land was neither common nor waste of the manor at the time of provisional registration—a tough test demanding significant research and evidence. (The test for greens is tougher still, and demands evidence that the land was physically incapable of being used for recreation for 20 years before provisional registration.)

Rights-of-way inspectors were becoming accustomed to dealing with these applications in the pioneer areas, and had some understanding of the legislation and

the evidential requirements. But new regulations from 2015 require all these applications to be determined by the registration authority itself unless it has a conflict of interest, or the landowner objects (unlikely, if the landowner is the applicant!). We know that even the pioneer authorities struggle to understand the statutory requirements let alone brief their committees on determining the applications. Imagine how a metropolitan borough with no day-to-day experience of commons registration work will deal with an application. There is a risk that committees will approve applications based on irrelevant considerations.

Respond

Therefore it is important that members monitor applications made to registration authorities in their area, and respond if they think that the evidence is not up to scratch. Let the society know if an application relates to large or otherwise significant areas of land, as we may wish to make representations. We won't necessarily object where an application shows that the land has been part of a building, or genuine curtilage, since the 1960s. But we have already seen applications to deregister whole commons on spurious grounds, and we worry that these will be approved if we are not quick to act.

The society is not automatically notified

Carn Kenidjack, Cornwall, where the common has been registered under part 1 of the Commons Act 2006. Photo: Ian McNeil Cooke.

of applications. But anyone can ask an authority for notification by email—and it is free! We are gradually working our way around the country requesting notices, but there are over 150 registration authorities. If a member in every authority asked for notices, and acted upon or alerted us to questionable applications, we could do much more to protect our commons and greens.

Please write to your local and neighbouring authorities today to ask them to send you notices about part 1 applications. You will find a template for your letter on our website (<http://bit.do/bZDMh>). It won't cost you a penny—but it could save a common. Some densely urban authorities have little or no registered land, and may not know what to do with a request. If you do not have access to email, consider asking someone who does to commission notifications and let you know—and look out for notices posted on commons and greens about applications.

Registering waste of the manor

In the eight years since part 1 was brought into force in the initial seven pioneer areas, local activists have been busy in Cornwall.

We are delighted that Save Penwith Moors has had such success in registering its local heaths as waste of the manor: 15 applications have been granted in whole



or in part, and only two refused.

A local resident has made 14 applications for often small but valuable areas of waste in Cornwall, all of them granted at least in part. Two parish councils in Cornwall have been active—sadly, only one application has been granted. And Tregurrian Action Group has had a recent success.

But outside Cornwall, the only applications to register land have been made by the society itself, acting jointly with the British Horse Society. Only one application was determined which regrettably was refused earlier this year.

Getting land registered as waste will:

- protect it from unlawful works and development which impede access or interfere with amenity,
- increase the extent of common land permanently available for access on foot, and
- reinforce any existing rights of access under section 193 of the Law of Property Act 1925.

We have less than five years until December 2020 in which to make applications in the original pioneer areas (until March 2027 in Cumbria and North Yorkshire). Many commons which were provisionally registered under the Commons Registration Act 1965 but were withdrawn or cancelled are eligible. You can find out more about the process on our website and Steve Byrne has prepared detailed guidance and helpful information at <http://bit.do/bZDMW>.

Statutory documents

It is also possible, in the pioneer areas, to register commons and greens which are recognised in statutory documents, but which escaped registration under the Commons Registration Act 1965. These documents include schemes of management and regulation under the Commons Act 1899 and deeds made under

section 193(2) of the Law of Property Act 1925 giving public access for air and exercise. It is important to register them before the 2020/2027 cut-off dates, to ensure that these statutory arrangements still have effect.

We have provided links to examples of applications on our website, and the society now has access to most schemes and deeds thanks to a copy of the Countryside and Rights of Way Act 2000 database of section 15 land which already had access rights, generously provided by Natural England: please ask us if you think we may have documents you need to make an application. If you would like to volunteer to help us with this work—entirely desk-based looking at electronic copies of maps online—do let us know.

Highways under threat

In the fourth of a series about preserving unrecorded rights of way from extinguishment on the cut-off day, 1 January 2026, our vice-chairman Phil Wadey looks at routes that call for investigation.

In the last three editions of *Open Space* we have considered how to take action in respect of evidence found for rights of way that are unrecorded or under-recorded on the definitive map of rights of way. However, some people have questioned whether there are any unrecorded rights of way, or have otherwise wanted to know how to find routes that ought to be investigated. Some readers have even suggested that there may be no unrecorded ways in a whole county: in my experience this is most unlikely.

In this article we consider some starting points for research. They will not all produce paths that can be added to the definitive map, but many will. Each case will, as ever, need to be considered on its merits once evidence has been collected.



Highwoodhall Lane, Abbots Langley, Hertfordshire. Spotted as a route with public access but no longer to be found on the county's list of streets in 2010. Restricted-byway status applied for on 20 September 2010. Photo: Phil Wadey

A good place to start is with an Ordnance Survey *Explorer* map of the area of interest. Examine this carefully, first paying particular attention to how paths are shown. On most maps, examples will be found of where footpaths change status to bridleway, bridleways change status to restricted byway, or any path seems to stop in the middle of nowhere, all for no clear reason. Each such change should be highlighted, and subjected to investigation using the evidence sources considered in previous OS articles.

Identify

In OS summer 2015 (page 7) we mentioned the need to identify routes shown on the Ordnance Survey as 'other routes with public access' (ORPAS).

Although the county councils and unitary authorities supplied the information to the Ordnance Survey in the first place, many councils no longer have some of those routes recorded on their definitive maps or in their lists of streets. Such routes are eligible to be recorded as restricted byways or byways open to all traffic, while others will be ordinary all-purpose roads. Each ORPA shown on a map should be investigated to see if it needs to be recorded.

Other paths deserving investigation include those wide routes that seem to

'carry on' when a road goes round a sharp corner, and where much of a Roman road is recorded as a path but there are gaps in the definitive line. Again, these indicators are not evidence in themselves, but investigation often reveals evidence that can lead to a path being recorded.

Crossings

For those interested in investigating crossings, many under-recorded paths can be found by reviewing the status of every railway and motorway crossing.

Many crossings, in addition to those suggested on the OS map, will be found to be used by the public, and such routes will need to be investigated, usually starting by looking at the legal records that created the railway or motorway.

For example, in North Mymms parish, Hertfordshire, two bridleway-standard bridges were found crossing the A1(M) motorway, yet neither was on the definitive map. Although these were not pre-1949 paths (and so would not be caught by the cut-off) they were proven by using documentary evidence.

Further information on locating evidence of rights-of-way status can be found in *Rights of Way: Restoring the Record* by Sarah Bucks and Phil Wadey. □

Abuse of London's spaces

As London's open spaces come under increasing pressure for commercial use, their guardians turn to the law.

The Open Spaces Society was born to fight the destruction of London's open spaces. We are ready once again to spring to their defence.

The Save Battersea Park Action Group is backing legal action by the historical-thriller writer, James Jackson. He aims to stop the Formula E race in Battersea Park this summer.

In February, ignoring nearly 600 objections (the society's among them), Wandsworth Council gave planning permission for the Formula E event which will lead to closure of the grade II*-listed Victorian park for up to 19 days in June and July this year and next. It will also cause major disruption to park users, with noise, smell and damage to heritage trees.

Judicial review

James, who is blind and enjoys the park every day, is seeking a judicial review of the council's decision.

He asserts that the planning permission is flawed and that the council does not have the right to close all or part of the park for this period.

James argues that the planning application did not seek lawful authority for the race itself, which consequently has not been approved, and the council gave planning permission for the event on the basis that it was in the public interest, when clearly it is not.

He says that the council has no statutory authority to close part of the park for more than six consecutive days, or 12 days in total, in any year (Public Health Acts Amendments Act 1890 section 44).

The OSS believes that such a race is also contrary to the Greater London Parks and Open Spaces Order 1967 (the 1967 order) which outlaws events that occupy more than one-tenth of the area of the open space. Following our advice, this point was included in James's grounds for judicial review.

Oktoberfest

We also oppose plans for an Oktoberfest on Acton Green common, Ealing. We consider that the 1967 order does not allow events such as this to be held on common land. Ealing Council disagrees so we are taking legal advice. In any case, we maintain that the 1967 order does not permit even temporary structures to be erected on common land without ministerial consent, as confirmed by counsel's opinion obtained by our member Frederick Uhde (OS autumn 2015 page 10).

We wrote to all the candidates in the London mayoral election, asking them to oppose the commercial abuse of open spaces. We shall now press the new mayor, Sadiq Kahn, to do that. □

Battersea Park bandstand.





Our 150th anniversary photo competition *continued*





Here, and on the front cover, we present further winners of our photo competition.

Top left: by Sarah McNulty (highly commended in the 'Paths' category). **Bottom left:** by Amanda Gott (highly commended in the 'Enjoyment' category), **Above:** Roman milestone on the Stanegate at Chesterholme in 1915, provided by Bill Riley (winner of the 'Historic' category). **Below:** Beeston Regis beach, Norfolk, by Clair Robins (winner of the 'Enjoyment' category).





Claiming local green space

When planning authorities tell the society that they are preparing their local or neighbourhood plans, we write to our members in the area, urging them to identify land which should be recorded as local green space (LGS), or listed as a community asset, to protect it from development.

In our response to the government's review of the 2012 National Planning Policy Framework, where LGS was dreamt up, we have called for clarification of how it works. There is no set process for designation, nor is it evident whether LGS gives land proper protection.

Consequently the designation, which was supposed to compensate for the loss of opportunity to register land as village greens under the Growth and Infrastructure Act 2013, is not being widely used. LGS needs to be clarified and publicised so that local people can use it to protect the land they love.

Walk on Berkhamsted Common, with a stop to learn about the archaeology from National Trust archaeologist, Gary Marshall. Photo: Lawrence Trowbridge.

Land which is listed as a community asset has some protection too, as it is a material issue for planning, and it cannot be sold before local people have had a chance to bid for it.

The tool-kit on our website will help you to protect your green spaces.

Anniversary of midnight raid

On 6 March we joined the National Trust in celebrating the 150th anniversary of the night raid to free Berkhamsted Common.

The year after our foundation, on behalf of commoner Augustus Smith, we organised a trainload of brawny navvies to pull down the illegal iron fences which Lord Brownlow's trustees had erected on the common. Local people rejoiced and despite subsequent legal action by Lord Brownlow, the common was never fenced again. In 1926 much of it was acquired by the National Trust.

And so 150 years later, members of the society and the trust gathered on the common. After speeches by the trust's





*Emily Smith addresses the gathering.
Photo: Lawrence Trowbridge.*

ranger, Emily Smith, and by Kate Ashbrook, we set off through the woods, following the trust's new 150th-anniversary trail; we ended with a barbeque.

The battle of Berkhamsted Common was a great event in the society's history and showed the need for direct action to free the commons from unlawful enclosure. Today's enclosures are more insidious but just as serious.

Defra cuts data

We have attacked plans by the Department for Environment, Food and Rural Affairs (Defra) to cut its long-standing research on people and the natural environment. Defra has consulted on changes to the official statistics produced by its 'associate body' Natural England (NE).

Since 2009 NE has undertaken its Monitor of Engagement with the Natural Environment survey (MENE), a successor to the England Leisure Visits survey. From weekly interviews with about 800 respondents, MENE produces firm evidence of the population's visits to the coast and countryside. It provides data on the type of destination, duration of visit, mode of transport, distance travelled, money spent, main activities, and motivations for, and barriers to, visiting the countryside.

Defra intends to reduce the sample size and number of questions and thus the robustness and accuracy of the survey.

The work would no longer be consistent with previous surveys, thus breaking a continuous, comparable dataset. It would be unreliable, only able to provide headline figures without depth, and of no use in tracking changes in behaviour and local variation.

Defra's 25-year plan pledges 'more opportunity to use, enjoy and engage with the natural environment'. If it cuts MENE it will be planning in the dark.

The savings would be minute, the loss massive.

Parliament Piece 750

This year we celebrate the 750th anniversary of the parliament which is believed to have been held on our land at Parliament Piece in Kenilworth, Warwickshire. It is also the 750th anniversary of the siege of Kenilworth Castle. As part of the celebrations, we shall have a stall on Abbey Fields or Parliament Piece on Saturday 27 August. Watch our website for details. Do come!

Hello Hugh

At the end of last year the trustees resolved to invest in an extra member of staff to help us with our heavy caseload. Hugh Craddock (pictured below) took up



the post of case officer, working alongside Nicola Hodgson, at the beginning of April.

Hugh will already be known to many members; he was employed by Defra and its predecessor departments from 1986, leaving in March this year. His work there included advice on and implementation of the Countryside and Rights of Way Act 2000, the Commons Act 2006 and the Growth and Infrastructure Act 2013.

Living in Epsom, Surrey, Hugh and his wife Debbie enjoy riding in the local countryside. Hugh is a volunteer for the British Horse Society in Surrey.

With Hugh's appointment we field a stronger team in defence of commons than ever before. Hugh has a deep and extensive knowledge of all our areas of work and will boost our ability to champion green spaces and public paths.

Broad Street Common

The society has objected to plans by Miller Developments to build a road across Broad Street Common, near Guildford in Surrey, to serve a proposed housing-development and provide new access to a school.

The land is heavily protected, as common land with rights for walkers and riders, a Site of Nature Conservation Importance and Metropolitan Green Belt. The road would be an eyesore here.

Broad Street Common. Photo: Gaynor White.



The developers would need consent for works on common land as well as planning permission. We hope that both will be refused.

Our action plan for Wales

Thank you to our members who sent our action plan to their candidates in the Welsh Assembly election (spring 08 page 7). We shall make contact with the new Assembly Members who pledged their support for our proposals.

No land in exchange

In support of our member, the Friends of Haven Green, we have objected to a retrospective application from Ealing Council to deregister part of Haven Green common. This is for a 'cycle hub' which was installed unlawfully in 2012. The

Generous windfall

Our former local correspondent, the late Leslie Menzler (08 autumn 2014 page 5), has left us a generous legacy of £200,000.

Such gifts make an enormous difference to our work, enabling us to invest in protecting commons, greens, open spaces and paths. We are extremely grateful to Leslie for his thoughtfulness.

council wants to deregister 188 square metres and offers no land in exchange.

Where the common to be taken is less than 200 square metres, applicants are not required to provide exchange land, but Defra's Common Land Consents Policy 2015 states: 'Even if the land to be deregistered is not more than 200 square metres the secretary of state will usually expect land to be offered in exchange for the land being deregistered as her policy is not to allow our stock of common land and greens to diminish.'

We have said that there are no exceptional circumstances at Haven Green which would relieve Ealing of its obligation to provide exchange land. □

Path Issues

Weston Woods access

Residents of Weston-under-Redcastle, a village in north Shropshire, are fighting to preserve their age-old use of the nearby Weston Woods.

Weston village is on the ridge of old red sandstone, lumpy hills which run east-west between Whitchurch and Shrewsbury. The ridge has a steep, south-facing, wooded slope indented by 'cryns' (a Shropshire word meaning small ravines on a hill).

Local people have used the paths along the cryns for centuries, no doubt to gain access to the nearby iron-age hillfort, Bury Walls. There is only one route shown on the definitive map, a restricted byway.

When Mr Muhiddin bought the wood, he put 'private' signs on many of the tracks. He even placed gates across the restricted byway but Shropshire Council made him remove them.

Top Track in Weston Woods, Shropshire, which local people have claimed as a public footpath for the definitive map.

Local people, led by our member Isabel Mathias and her friend Christine Moodie, have claimed a number of paths for the definitive map, including Top Track which runs along the northern side of the woods and has stone walls and paving.

Our general secretary spoke at a rally in March. She urged people to claim every path for which they have evidence, ahead of 2026 when the definitive maps are closed to the addition of historic paths.

Broxbourne byway

We are supporting our member, the Wormley Society, in its fight to save an ancient drovers' way at Broxbourne in Hertfordshire. Broxbourne School wants to move the route, which is recorded as a restricted byway, to make way for a new academy, with 150 houses on the former school-grounds.

The byway runs in a direct line across the site and the options for diversion take





Ancient byway. Photo: Malcolm Briggs.

people around three sides of a rectangle. If the path is moved, an important part of Hertfordshire's history will be lost and users will be severely inconvenienced.

Lepe for joy

We have helped to defeat an ugly solar farm in the New Forest National Park. This would have damaged the landscape and the nearby Lepe Loop recreational route.

The application was for solar panels on nine hectares of land east of Lepe Farm, Exbury. The national park authority refused planning permission and the developer, MTS Exbury Solar Ltd, appealed.

With our backing, our member, the Exbury and Lepe Community Group, opposed the plan.

The inspector and the Secretary of State for Communities and Local Government concluded that a solar farm and all its paraphernalia 'would have significant adverse landscape and visual effects' and that 'great weight should be given to conserving landscape and scenic beauty in national parks, which have the highest status of protection'.

They agreed that 'the benefits are clearly outweighed by the considerable harm to the landscape and natural beauty of this part of the New Forest National Park'.

The inspector, Bern Hellier, also noted the significant impact the development would have on users of the Lepe Loop.

Finding our way

Thank you to everyone who has given to our new Find Our Way Fund. We shall use this to help with recording paths which might otherwise be lost at the definitive-map cut-off on 1 January 2026.

We have earmarked some of this money for a project run by user groups in Norfolk. This will enable the key documents held at the National Archives to be photographed so that researchers from Norfolk need not travel to Kew.

For instance, our training day in June at Chepstow, led by Phil Wadey and Sarah Bucks, was designed to explain to members of the society and other user groups how to look for missing paths, find evidence of highway status, and apply for them to be recorded on the definitive map. The fact that Chepstow is a Walkers Are Welcome town made this a particularly suitable venue.

If you haven't yet made a donation to our fund, please do so: the need is urgent—we have only nine and a half years left before cut-off day.

Cross-compliance breach

In these days of local authority budget cuts, it is worth reporting path problems on farmland both to the authority and to the Rural Payments Agency (Cross-Compliance. Referrals@rpa.gsi.gov.uk).

Obstruction, ploughing and failure to reinstate rights of way may be a breach of cross compliance under agricultural grant schemes (this rule is in GAEC 7b, public rights of way).

If the owner of land subject to a report receives agricultural payments, the agency will log the complaint and use it when carrying out a cross-compliance inspection. This may result in a reduction in grant payment—a salutary lesson. □



Benny Rothman a fighter for the right to roam, workers' rights and socialism

by Mark Metcalf; Unite the Union, £5; pb 53 pp, many illustrations.

In the movement for access to the countryside Benny Rothman's name means one thing only: he was the organiser and leader of the 1932 mass trespass onto the sealed grouse moors of Kinder Scout in the Peak District. For his part in the affair he was gaoled for five months, being found guilty of such ludicrous charges as riotous assembly and incitement to riotous assembly, but not guilty of incitement to riot and assault. Four others in what he later called his 'small army' were gaoled. The advancing trespassers had scuffled with stick-wielding gamekeepers one of whom was slightly hurt.

Divided

The incident divided the open-air movement. The 'official' ramblers' organisations, which three years later formed the Ramblers' Association, were against the use of trespass as a tactic in the battle for freedom of the moors and hills. (So was the society whose then secretary, the ineffably respectable Lawrence Chubb, pronounced that such demonstrations could only harm the ramblers' cause.) Years later, after the National Parks and Access to the Countryside Act 1949 had enabled some timid and limited opening of the hills, Tom Stephenson, long-time the revered secretary of the Ramblers, denigrated the trespass and did so for the rest of his life. Phil Daley, access secretary of the Manchester Ramblers and later chairman of the Peak District National Park's

Access and Footpaths Committee, went so far as to claim that the trespass had hindered the park's negotiations with landowners.

Such critics were blind to the mythic power of the trespass. The gallant little army (400 said Benny but others would halve that figure), the trial before a crudely prejudiced and anti-semitic judge and a jury packed with retired military men, various aldermen and country gentlemen—these were the ingredients of the myth. The 20-year-old Benny wrote his closing defence (no counsel to represent him) in a lightless prison cell. Quaker Tony Gillett, when offered the chance to say 'Sorry', told the judge he would do it all over again, and was duly sent down. They were the stuff of revolutionary heroes, and Benny, the son of poor Jewish immigrants from Romania, was of course a Communist.

Long career

Mark Metcalf does us all a service by recounting Benny's long and militant career in the Communist Party (CP) and in the AEU (Amalgamated Engineering Union), for this is the Benny that we in the outdoor movement have neglected. He played a vigorous part in the anti-Fascist movement. When Oswald Mosley brought his blackshirts to Manchester in 1933, Benny was in the crowd at the Free Trade Hall which prevented The Leader from being heard. Benny went to the rescue of Evelyn Taylor who was being attacked by the thugs of Mosley's 'bodyguard'. He was thrown off the balcony, landing on a blackshirt below. Evelyn later married Jack Jones who fought in Spain for the Republic and

The Fight for Beauty: our path to a better future, by Fiona Reynolds, former director-general of the National Trust and a member of OSS (Oneworld Publications, £16.99) is available to members of the society at a 20 per cent discount. Log in to <http://bit.do/bZXH8> and use the code BEAUTY20 on check out.

We shall review the book in a future *Open Space*.

became leader of the Transport & General Workers Union; Benny volunteered to drive an ambulance for the International Brigades but was rejected on the ground of inexperience. It is more likely that the CP wanted him organising workers in Manchester.

Victimisation

By the beginning of the war Benny was installed at the huge Metropolitan Vickers ('Metro-Vicks') works at Trafford Park, a conglomerate of factories supplying war-time needs ranging from switchgear to radar and Lancaster bombers. Here Benny represented nearly 2,000 workers on the works' committee of the AEU; he was a man of power, though as a leader of the left in the works he had enemies—notably the Catholic Action group.

In 1951 Benny was dismissed by Metro-Vicks in what he and his allies considered a straight case of victimisation. But the

AEU was split and Benny never returned to his job. This was a complex story and Mr Metcalf does not tell it well. The relations between unions and different levels of union officials are never made clear for the layman.

Retirement

Benny continued as an engineer with other firms until his retirement (1976). This gave him more time for environmental activities. He was among those who protested against the desecration of Twyford Down. He also campaigned for public access to be continued on water-authority land when the industry was privatised. The leader in this successful struggle was David Beskine, the most effective campaigner the Ramblers ever had. He relied on Benny whenever a rally was organised: 'Benny is always good for a busload,' he said, a tribute to his years of grass-roots, activity and contacts.

Today democrats (such as the author of this review) despise Communists and especially the Stalinists of Benny's time. But we should remember that rank-and-file Communists were often the first to stand against Fascism or gamekeepers. When the Germans executed French resisters they shot the Communists first. When we began to claim a right to roam Benny went first and was gaoled.

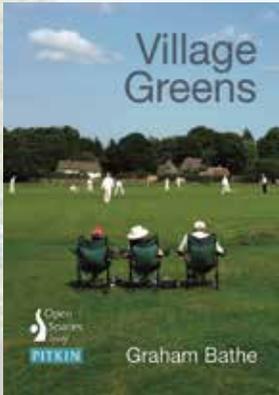
Chris Hall

COME TO OUR AGM on Thursday 7 July 2016 at 11 am Friends House, 173 Euston Road, London NW1 2BJ

After the formal business, we have two speakers: Paul Johnson, Natural England's principal specialist (statutory access), and Quentin Grimley, Wales Coast Path Officer for Natural Resources Wales, speaking on coastal access in their respective nations. This is *your* chance to find out about coastal access from the experts in England and Wales.

Time permitting, members may give short talks on their campaigns. *Please let us know by 23 June if you would like to take part.* Contact ellenfroggatt@oss.org.uk or 01491 573535.

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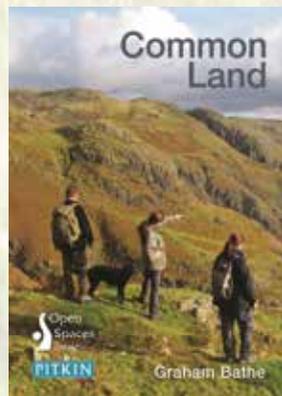
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