

# Open Space

Spring 2017

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 Open  
Spaces  
Society

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# Open Space

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## Cover story

Residents of Dorchester and Little Wittenham by the Thames in Oxfordshire protest against prolific new fencing which has been strewn over the meadows. The society is supporting local people in their applications for village greens on land where they have long roamed free (see page 2). Photo: Becky Waller.



## People's places

**Our parks and green spaces are at tipping point warns the House of Commons Communities and Local Government (CLG) Committee.**

Having received 400 written submissions, including ours, and heard 27 witnesses, the MPs concluded obviously enough that England's parks 'face considerable challenges' but without the protections, priority and money they need to do this.

The committee emphasises the many benefits of green spaces—for physical and mental health, social cohesion, climate-change mitigation and local economies. This is not new—many of our founders would surely have recognised these problems 150 years ago.

### Duty

With many others, we called for a statutory duty to be placed on local authorities to provide, monitor, manage and maintain parks and open spaces. But the committee felt such a duty could be 'burdensome and complex' and might not achieve the intended outcomes.

We strongly disagree. While statutory duties are often not fulfilled, they normally secure at least some share of the available money—and strengthen the hand of campaigners.

The CLG minister offered to bring together a cross-departmental group to spread best practice. The committee recommended ministerial guidance for local authorities on working collaboratively with health and well-being

boards. These are local-authority committees comprising representatives from the NHS, public health and local government, with a statutory duty to produce a health and well-being strategy for their local population.

It's a start to get health bodies thinking seriously about how vital parks and green spaces are to our well-being. But, since parks help to cut expenditure by promoting a healthier population, it makes sense that money should be transferred from health budgets to protection and improvement of green space, as an investment for people.

We argued, without success, for better legal protection for open spaces. And we deplore their use for commercial events (Finsbury Park's festival for instance, see page 8). But the committee felt it was OK for local authorities to grant exclusive access to a park and to charge for some uses—after consultation.

### Natural England

It is astonishing that Natural England presented no evidence to the committee. Yet its recent strategy for the twenty-first century puts 'people at the heart of the environment' and it promises to focus 'where our work adds the greatest value'.

In that case, Natural England must give priority to people's places, close to their homes, essential for health, natural beauty, wildlife and a clean environment. Parks and green spaces desperately need a champion.

**KJA**

# Action in Oxfordshire

We are involved in two high-profile cases in Oxfordshire relating to paths and greens.

**More than 200 people packed the village hall at Dorchester (on Thames) in south Oxfordshire one January evening. They launched the village's campaign to preserve local footpaths and open access to the historic Dyke Hills and Day's Lock Meadow by the river.**

A new landowner, UKIP's former treasurer, Mr Andrew Reid of Bishop's Court Farm, has erected barbed-wire fencing between Dorchester and the River Thames. An unrecorded public path over the water meadows, which has been so well used that it is visible on Google Earth, has been fenced off at both ends.

Mr Reid made declarations to Oxfordshire County Council that he accepts no highways on his land except for those shown on the definitive map, and no public use of the land for lawful sports and pastimes. The latter declaration gives people until 1 November 2018 to apply for village green status.

People came to the meeting to learn how

they can counter this attack on land which they have long enjoyed. They poured in—from Dorchester, Little Wittenham across the Thames and parishes further afield.

Our general secretary explained the law on claiming land as village greens and how the society can help. Becky Waller, who has led the campaign locally, spelt out the evidence that was needed to prove that the open spaces are greens. People filled in the forms then and there.

They attested that they have walked over the Dyke Hills and Day's Lock Meadow, kicked balls, flown kites and even canoed when the land was flooded. They have never been stopped nor asked permission.

Becky gathered 400 completed questionnaires in only 16 days and sent the applications to Oxfordshire County Council, the registration authority.

If the land is registered as village green it will mean that local people have rights of recreation there and that it is protected for ever.

*Lawful sports and pastimes at Day's Lock Meadow, 2015. Photo: Julia Sadler.*



Now they are focusing on the endangered public paths between the village and the River Thames which have been fenced off and must be added to the definitive map. They are also worried that, with the new fencing, the Thames Path National Trail is too narrow and muddy to be safe.

There is the additional question of the effect of the fencing on the scheduled ancient monument of Dyke Hills, a well-preserved Iron Age settlement between the village and the river. Historic England is investigating this.

It is good to work with such a knowledgeable and organised group of people; the society is able to demonstrate the value of our national voice alongside that of the local activists.

### Witney win

Meanwhile, in west Oxfordshire, our local correspondent Chris Hall has won a battle against land exploiters with the result that there is to be a new town green and public footpath at Coral Springs on the south side of Witney.

The land is being developed by Richmond Care Villages (RCV), part of the British United Provident Association (BUPA, set up in 1947 to rival the National Health Service).

RCV illegally obstructed Witney footpath 40 with buildings. Belatedly, it applied to move the path, under section 119 of the Highways Act 1980.

The path is a vital traffic-free route to and from open countryside south of Witney.

Chris objected to the revised route of the path because it was longer and less pleasant for users; it passes through a housing estate instead of over a green field. The objection would normally have gone to a public inquiry and delayed the development by several months at least.

Chris offered to withdraw the society's objection provided RCV dedicated land



*Blue flags mark the definitive route of Witney footpath 40 which runs beneath this and other houses.*

on the site as a town green, giving the public rights of recreation there and making it safe for all time.

The society also insisted that the public should be invited to visit the development to see the old and new paths and the position of the new green before the changes were made legal. RCV then offered an additional new path across the estate linking to a pedestrian-controlled crossing of Thorney Leys, the busy road north of the development.

### Accepted

RCV accepted this package and will also offer a public apology for having illegally obstructed the path. At the society's insistence, RCV opened the site for two weekends in November to enable people to view the proposals.

This case gives a clear warning to developers that they must not ignore the existence of public paths on their sites, nor think they can get away with illegally obstructing them. If they do not sort out the paths before proceeding with their development they can be delayed by months—RCV now knows this.

It is hoped that the green and the paths will be open for use in spring 2017. □

# De-fencing the commons

Last November our general secretary visited Ashdown Common in East Sussex to see the effects of invisible fencing.

**Ashdown Forest is special. In the heart of the High Weald Area of Outstanding Natural Beauty, it is multiply designated for its rare heathland habitat and its flora and fauna. And it is open-access land.**

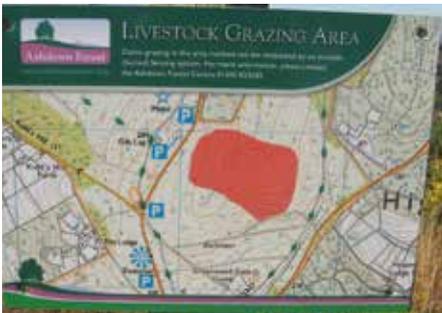
The forest, which is common land, covers 2,500 hectares, nearly two thirds of which is heathland. This constitutes 2.5 per cent of the UK's remaining lowland heath. It is managed by a board of conservators under the Ashdown Forest Act 1974.

## Grazing

There are about 720 registered commoners with rights of grazing and estovers (collecting branches and furze), although far fewer than that exercise grazing rights. Grazing is necessary to maintain the lowland heath, and will normally require fencing.

This is where the concept of 'invisible fencing' comes in. We have seen it working well in Epping Forest (OS spring 2016 page 4), Burnham Beeches in Bucks and elsewhere.

The cable carrying an electric charge *The invisibly-fenced area is in red.*



runs from a generator and is buried about six inches below the line of the 'fence'. The cattle (it does not yet work for sheep) wear special collars, and when they come within a few metres of the cable they hear



*White Galloway cattle in Boviguard collars grazing the common land of Ashdown Forest. Photo: Steve Alton.*

a buzz, and then if they come closer they get a small shock. They quickly learn to turn back at the buzz.

Around Wren's Warren, near the B2026 road in the north of the forest, a 60-acre patch is within the 'fence'. Last summer, there were 20 cattle here and they have made a difference to the vegetation.

The conservators would probably not have got consent for traditional fencing in this open landscape. Invisible fencing has the same effect, without interfering with public access or natural beauty. The society is therefore a strong advocate of invisible fencing as a management tool.

We hope that, post-Brexit, there will still be funding available for invisible fencing under countryside stewardship. □



## Works on Dunsfold Common

**Waverley Borough Council recently approved a new development of 1,800 homes on Dunsfold aerodrome, nine miles south of Guildford in Surrey. But smaller development schemes are still being pursued elsewhere in this rural area where property is pricey.**

One such was for a new estate of 42 homes at Nugent Close. The developers, Kitewood Investments Ltd, claimed that the only plausible access was over a wooded strip of Dunsfold Common, but that was merely because the residents of a neighbouring estate did not want access past their homes.

### Policy guidance

Flying in the face of the secretary of state's policy guidance, which is to provide replacement land where common land is developed, Kitewood instead chose to seek approval under section 38 of the Commons Act 2006 for the new road, but offered to provide a similar area of land dedicated for recreational use under a planning 'section 106' agreement.

We objected and asked the inspector to uphold the principle that such schemes should be secured through an exchange under section 16 of the Commons Act 2006 instead. We argued that an exchange had been offered in similar circumstances a short distance away in Alfold. Our case officer, Hugh Craddock, had the opportunity to draw a comparison on the inspector's site visits on the same day.

We also pointed out that a section 106 agreement is a poor mechanism for conferring long-term protection to land, and depends on the willingness of resources-strapped planning authorities to enforce its terms—far better if the new land had been rolled in to the scheme of management for Dunsfold Common which vests the protection and management in the parish council.

Regrettably, the inspector, Alison Lea, failed to consider whether the application should have been pursued under section 16, even though the annexe to the Planning Inspectorate section 38 guidance sheet 1a says that the 'best

*The line of the new road across Dunsfold Common. Photo: Hugh Craddock.*



option [is] section 16/17 deregistration and exchange’ for ‘new construction of hard-surfaced areas’.

The inspector also ignored paragraph 3.2 of the secretary of state’s policy guidance, which seeks to ensure that ‘any use of common land or green is consistent with its status (as common land or green), so that ... works take place on common land only where they maintain or improve the condition of the common or where they confer some wider public benefit and are either temporary in duration or have no significant or lasting impact’.

We quoted this, but the inspector failed to see that constructing a road across a common is not consistent with its status and that the works will have a significant and lasting impact on the common. (*Ref COM3154098, 11 Jan 2017*)

### The meaning of curtilage

The society objected to an application from the owners of Loxley Farm, Loxley, near Stratford-upon-Avon in Warwickshire, to deregister part of Loxley green under paragraph 8 of schedule 2 to the Commons Act 2006 (OS autumn 2016 page 11).

The registration authority, Warwickshire County Council, asked barrister Rowena Meager to act as an inspector in an inquiry into the application.

### Eligible

Paragraph 8 says that land may be eligible for deregistration if on the date of provisional registration (14 July 1970) it was, and at all times since and still is, ‘covered by a building or was within the curtilage of a building’. The application therefore turned partly on the meaning of ‘the curtilage of a building’ in paragraph 8.

We said that curtilage in this context had a meaning distinct from its use in listed-building legislation, which focuses on the protection of a principal structure (such as a stately home), and provides for



*Loxley green. Photo: Tony Gibbon.*

subsidiary structures within the grounds to shelter in the protection of the listing. In the 2006 act any building may have a curtilage, and a narrower scope and more sceptical approach is justified.

We also said that, while it was unclear from the evidence whether the application land had been correctly registered (which is immaterial for the purposes of paragraph 8), it was also far from clear that the land had become part of the curtilage of the farmhouse.

### Decision

In her decision, the inspector failed to grapple with our submissions on interpretation, saying that ‘there is no reason to think that parliament intended curtilage to mean anything different in the commons legislation from the listed-buildings legislation’. But, we say, there is no principle of statutory interpretation that a term used in one act is to have the same meaning in another act.

Sadly, although our representations on the inspector’s report were placed before the council’s regulatory committee, the inspector’s recommendation to deregister prevailed, and the committee decided on 10 January 2017 to deregister the land. □

### Thank you

**We have raised nearly £12,000 for our Save Our Spaces appeal. Thank you for your generosity—and it’s not too late to give!**



## Highways under threat

**In the last edition of *Open Space*, our vice-chairman Phil Wadey explained how to complain to the secretary of state if a council is failing to progress your modification-order applications—and why (for England) this action needs to be taken promptly. He gives a short update on a recent case.**

At present the secretary of state and Welsh ministers have the same policy for considering requests for directions. Their appointed inspectors look first at whether the council has a statement of priorities setting out its general way of deciding which applications to consider next, and secondly at whether the council's statement is reasonable. The inspector considers any actions the council has taken and says it intends to take, including any estimate of when determination will take place. The general circumstances of the case and the views of the applicant are also relevant.

### Featherbed Lane

When the M1 motorway was constructed, Featherbed Lane (one mile north of junction 6a) in St Stephen parish, Hertfordshire, was severed. The approaches to the motorway were not *Featherbed Lane*. Photo: Phil Wadey.



stopped up, but no new linking routes were put in place.

The application to record the route was made in 1997.

The inspector gave the council one further year to reach a decision on the case (FPS/M1900/14D/2 dated 18 Jan 2017, available at [www.gov.uk](http://www.gov.uk)).

The surveying authority, Hertfordshire County Council, has adopted a statement of priorities for investigating applications to modify the definitive map. The council processes cases of equal priority in the order in which they were received.

### Prioritisation

I had admitted that by and large the prioritisation system was OK, but argued that it did not take account of the age of the application (as opposed to the date when it was registered). I suggested adding one point to the prioritisation score for each year of delay so that every application would eventually reach the top of the pile. While not commenting on this idea, the inspector took the view that, without time as a factor, some applications could wait for ever.

The unreasonableness of waiting another 12 years after the near 20 years' delay was highlighted in the inspector's consideration. We recommend you to look at the likely time it will take for the council to reach a decision at its current rate of progress, and emphasise this in your direction application.

Thus a direction application can succeed even if the authority is making progress with applications. (Hertfordshire determined over 30 cases last year.)



## Finsbury festival

The Friends of Finsbury Park, a member of the society, has won leave to appeal against the high court judgment in its case against the London Borough of Haringey. The judge, Mr Justice Supperstone, ruled that it was not unlawful to hold the annual Wireless Festival in the park.

The appeal court has agreed that we may intervene in the case in order to argue that the festival would be contrary to article 12 of the Greater London Parks and Open Spaces Order 1967.

## New greens for Knowle

Our member, the Knowle Society, has won two new greens in Solihull. Local people had used land which had been reserved for a bypass; it had been left open with neither signs nor fencing. In 2012, as part of its local plan, Solihull Council removed the bypass designation and local people decided to register these areas as village greens.

With advice from the OSS the group gathered evidence of use and submitted the applications. Following a hearing, the council agreed to register two greens. Both are just over an acre and are

*One of the new greens. Photo: Leighton Jones.*



extensions to the open space of Knowle Park, providing buffers against the housing estates. Now they are available for local people to enjoy for ever.

## Are commons exempt?

In response to a consultation from the government, the society has called on Defra to revoke its long-standing but unlawful exemption of works on common land from environmental impact assessment (EIA) mandated by the EU.

The consultation included proposals to amend regulations which apply EIAs to agricultural development projects with likely significant effects on the environment. At present the regulations require agricultural development projects to be examined to decide whether their

## Deregulation delays continue

There is no further news on the timing for the introduction of the Deregulation Act 2015. Parliamentary time is needed to approve one of the regulations, and Defra is preoccupied with Brexit.

impact demands an EIA. If the project exceeds certain thresholds as to the nature, size etc (for example if it involves more than two kilometres of new fences in a national park) it must be scrutinised.

The regulations exempt works on common land, regardless of the nature or scale of those works. Defra says this is OK because works on common land need the consent of the secretary of state under section 38 of the Commons Act 2006 and are determined under their own regime.

We say that section 38 consent is entirely different and does not cover the same tests as the EIA scrutiny.

We trust that Defra will accept that we are correct and rule that EIA scrutiny must also be applied to commons.

### **Snettisham's fences**

The environment secretary has refused an application for fencing on Snettisham Common in north Norfolk. The landowner, Snettisham Parish Council, applied for retrospective consent under section 38 of the Commons Act 2006 for two lengths of fencing, one around the top of a sandpit and the other between a car-park and picnic tables.

We objected, with Natural England and four individuals. The common, which is in the Norfolk Coast Area of Outstanding Natural Beauty, is attractive for walkers and for quiet recreation. The fencing around the sandpit consists of rusty posts and galvanised stock-netting, and that on the car-park is close-boarded. Both are unnecessary eyesores.

The inspector, Mr Peter Millman, concluded that the fencing has an adverse effect on the landscape of the common, and that this outweighs any benefit to the parish council. Now the fences must go. (Ref COM3154237, 9 Jan 2017)

*Snettisham Common. Photo Ian Witham*



### **Hamble valley crossing**

We support the Hamble River Valley Forum (HRVF) in Hampshire in its bid to secure the best possible route for the England Coast Path and the access land that goes with it.



*Bursledon from HRVF's proposed route. Photo Ian Underdown.*

Natural England is identifying the route of the coastal path in stages and is looking at the stretch between Calshot and Gosport. It is planning to take the path across the Hamble estuary using the Hamble-Warsash ferry. The HRVF and the society argue that as an alternative the route should be identified along both sides of the river between the ferry and a crossing using the footway on the A27 road bridge at Bursledon 2.5 miles upstream of the ferry.

While the public is fortunate to have the ferry and it is a pleasant way to cross the river, it is not available at all times and it has no timetable. The HRVF has identified an attractive route on both sides of the river between the ferry and the bridge, in part using an existing coastal walk with lovely views and opportunities for bird watching. We await developments.

### **Reprieve for shepherds**

Forest of Dean District Council has rejected the proposed measure to make so-called irresponsible shepherds into criminals (OS autumn 2016 page 8).

The council has decided, on the chairman's casting vote, not to impose its proposed public spaces protection order (PSPO) in the village of Bream, three miles north-west of Lydney in Gloucestershire. PSPOs were introduced in the Anti-social Behaviour, Crime and Policing Act 2014 as a means of



*Forest of Dean sheep. Photo: Graham Bathe.*

reducing crime and anti-social behaviour in public places, defined in the orders as 'restricted areas'.

We objected to the use of a PSPO at Bream, which we considered to be excessive and oppressive, covering far too wide an area. We felt it could endanger lawful commoning and potentially make criminals of innocent people.

While we were pleased that the PSPO was rejected, we are concerned that our views were not reflected in the report to the committee. We have won an assurance that, should the issue arise again, the council will present our representations in full.

## **Welsh greens: time runs out**

We urge communities in Wales to review the protection of their open spaces on the eve of the implementation of the Planning (Wales) Act 2015. This law is due to take effect in April this year and greatly restricts the opportunity to register new greens in Wales.

It will stop people from applying to register land as a green once a developer has obtained planning permission there. Thanks to our lobbying, this is less stringent than the Growth and Infrastructure Act in England, but it still means that communities should identify eligible land as soon as they can and

apply to register it as a green.

We have written to the Welsh environment minister to ask that the government makes provision to protect applications which are made before the commencement date so that they are not affected by the new rules.

## **Threat to the Stray**

Harrogate Stray is 80 hectares of open grassland embracing the North Yorkshire town. It has existed for centuries.

Harrogate Borough Council plans to extend and expand the use of Harrogate Stray (*pictured below*) for commercial activities. The council has consulted the public on its proposals to weaken the provisions of the Harrogate Stray Act 1985. The act restricts the types of events which can take place on the Stray, and limits the number of days for which they may last to 35 and the maximum area that can be enclosed at any one time to 3.5 hectares. When the act went through parliament we reluctantly accepted those provisions. Now the council wants to allow additional events, for more days and over a wider area.

We strongly oppose the idea that the Stray should be used more frequently for larger, commercial events. This goes against the ethos of a place which is so treasured both by residents and visitors. Noisy, crowded activities will conflict with people's quiet use of the land and with its splendid setting for the town.



## New triggers

The Housing and Planning Act 2016 regulations will introduce two new 'trigger events' in England. These are events which negate the right to apply to register land as a town or village green. The regulations are currently before parliament.

The new trigger events are: (1) the publication of a local planning authority's intention to grant permission in principle by the allocation of a site on part 2 of a brownfield register (the event expires ten weeks later if the land is not added to the register); and (2) the publication of the authority's intention to grant permission in principle (the event expires if the grant of permission in principle expires unimplemented).

## Bristol Zoo

For the seventh time, we have objected to Bristol Zoo's application to use the adjacent downs for car-parking. We have



opposed this use since 1997 (before which the zoo used the downs for parking without permission) and, each time, the council has granted temporary permission.

The zoo has applied for a three-year permission, this time to use the downs for parking for 40 days in 2017, 35 in 2018 and 30 in 2019. While this is a reduction in the number of days from the previous consent, the zoo proposes no action to reduce the number of its visitors coming by car, and it is not prepared to provide a park-and-ride solution.

This means that others wishing to use the downs will continue to be barred from one of the best parts on the best days of the year and will find it more difficult to find parking on the roads on the downs on other days. They are being denied the opportunity to walk where they have long had rights to roam under the Clifton and Durdham Downs (Bristol) Act 1861.

The zoo has had ample opportunity to devise a travel scheme to make overflow parking unnecessary, but instead it arrogantly assumes it can continue to abuse the downs. It is time this stopped.

## Wisley mess-up

Highways England has consulted on plans to upgrade the Wisley M25/A3 interchange. We have said it must put its own house in order first.

We oppose the upgrade but we also note that, more than 30 years after the construction of the M25 through Wisley Common and Chatley Heath, the motorway remains designated as registered common land to which the public has rights of access on foot and horseback.

Moreover, land given in exchange for the common land taken has never been registered so the public cannot find out where it has the right to walk and ride instead.

Highways England must resolve this administrative failure before it develops plans for upgrading the Wisley interchange.

## Sorting the section 38 forms

Defra and the Planning Inspectorate (PINS) have agreed to amend the application form under section 38 of the Commons Act 2006. We pointed out that the inspectorate was determining applications without considering the impact of any existing scheme of management for the land.

Over 300 schemes have been made by



*Kingwood Common, Oxfordshire: fencing here is unlawful under an act of parliament.*

local authorities under part 1 of the Commons Act 1899, which vests the management and regulation of a common or green in the authority instead of in the owner.

Under the scheme, the authority typically is granted powers to carry out minor works, such as fencing recreation grounds and quarries, and laying out new paths, without any need for the secretary of state's consent under section 38 of the Commons Act 2006.

We cited recent applications for works where there were already powers to do the works without consent, and said that

### Double registration

In response to frequent questions about the status of highways over registered common land and village greens we have produced an information sheet which can be downloaded from our website <http://bit.do/c9iCE>.

PINS was wasting everyone's time in determining these unnecessary applications. We also said that the terms of the scheme were often relevant, even where consent was needed—for example, nearly all schemes confer a right of access on foot and (in our view) on horseback, subject to by-laws.

The inspectorate initially told us that it did not need to know about schemes, but

eventually conceded that it should amend the section 38 application form to ask whether a common or green is subject to any statutory arrangements for the management or regulation of the common.

An earlier acknowledgement of this would have saved everyone's time. In 2011 the controversial fencing application on Kingwood Common in Oxfordshire went to a public inquiry. We argued then, correctly, that this would have been prohibited anyway under the Nettlebed and District Commons (Preservation) Act 1906. The inspector agreed.

### Piling on pylons

The Friends of the Lake District is leading a hard-hitting campaign against National Grid's plan to erect gigantic pylons on the western boundary of the Lake District National Park. These are part of the North West Coast Connections project.

National Grid wants to impose pylons along the Whicham valley and around the head of the Duddon estuary, just outside the national park boundary but on land which shares the characteristics of the national park and is physically no different.

We are particularly concerned that the pylons will be visible for miles around, from within and outside the national park, and from its many commons such as Black Combe to the west of the Whicham Valley. The pylons could also jeopardise the Lake District's bid for World Heritage Status.

### Legacies

Generous legacies to the society have made an enormous difference to us. They enable us to continue and, indeed, expand our vital work.

If you would like to remember the society in your will please look at our website or ask us for a leaflet.

## North Lopham byway

**A restricted byway has been newly recorded at North Lopham in south-west Norfolk, thanks to our local correspondent Ian Witham.**

Ian applied to Norfolk County Council for a definitive-map modification order which was confirmed unopposed in December 2016.

The route, to the east of North Lopham, is a quiet track, some 245 metres long, with a width varying between seven and 11 metres. It is known locally as Jubilee Lane and runs between two other quiet lanes. It had been recorded on the definitive map as a public footpath, but Ian's claim was based on historical evidence that it was an old public road.

In 2009 the county council entered into an agreement with the landowner to dedicate a footpath along part of the route. Unfortunately, it failed to consult the society or to carry out any research which would have established that the route already had long-held higher rights for the public.

The byway complements byways to the west of the village which were added to the definitive map in 2013 following

*The view south-west along the byway.*



applications by North Lopham Parish Council.

Ian is setting an excellent example in researching and recording historic routes before the definitive map closes in 2026. We shall run some more training events on this topic this year. Keep an eye on our website.

## Our plan for Powys paths

Peter Newman, our local correspondent for Radnorshire, Powys, has urged Powys County Council to step up its work in maintaining and promoting the county's public-path network.

The society responded to the council's consultation on its revised rights-of-way improvement plan (ROWIP).

'While the council claims that 40 per cent of the public rights of way were open and easy to use in 2013, our experience is that the percentage is lower,' says Peter.

'Much of the network is dire, and in many communities the majority of paths are unusable, owing to wilful obstructions, especially barbed-wire fences across paths. Many cannot be found because they lack signposts and waymarks.'

Peter argues that the policies set out in the current ROWIP are mostly ineffective. Work is only scheduled in certain communities, known as 'priority communities', while other areas remain largely untouched, except where action is urgent. The society has reported obstructions in the 1990s which have still not received attention.

We propose that the current priority system is abandoned and substituted by a new, four-point plan.



*Llanfihangel Nant Melan footpath ND1240, near New Radnor. Peter reported the obstructing fence by the signpost and the missing footbridge in April 1997 and has chased the council regularly. The fence by the stream is new. Photos: Peter Newman.*

The council should:

1 deal with complaints of problems on the path network in a timely fashion;

2 group together problems on paths in the same locality and deal with them at the same time;

3 give more support to volunteers to ensure that there is plenty of work available for them at all times;

4 take action against landowners who illegally block public paths; charge the landowner when the council removes the obstruction itself, and threaten legal action where the obstruction is deliberate. Word will soon get around the landowning community that the council means business.

### **New correspondents**

We welcome three new local correspondents: Chris Meewezen for Cheshire East, Jacqueline Merrick for Kerrier in Cornwall and Lucy Wilson for North Cornwall.

Chris, a bookseller and retired engineer, has initiated a project in East Cheshire to research and record historic ways. We have shared with Chris a copy of the Discovering Lost Ways research data for Cheshire (kindly provided by Natural England), to help get the project off to a flying start.

Jacqueline is an organic farmer and environmental campaigner, a Green Party town councillor for Camborne and a member of Cornwall Council's Countryside Access Forum.

Lucy, a walker and rider, has taken Cornwall Council to task for its failure to reopen blocked paths, serving legal notices and speaking at council meetings.

Simon Bunn has swapped St Edmundsbury Borough for North Somerset. Chris Bloor has retired after seven years as our local correspondent for Bath & North East Somerset, Bristol, and South Gloucestershire. We thank him for all his work on our behalf.

### **Windsor path-width**

In 2014 the Royal Borough of Windsor and Maidenhead made a modification order to add footpath 16, on the west side of Windsor, to the definitive map, with a width of 1.5 metres. No one opposed the addition but local people objected to the inadequate width.

Following a public inquiry, the inspector, Helen Slade, confirmed the order with a width varying between 1.8 metres, 2.4 metres and 4 metres along the path. Now local people have persuaded the council to remove a fence which was reducing the path width as finally recorded. (*Ref FPS/T0355/7/3, 2 Nov 2015*) 



**Saving the New Forest** by Peter Roberts (New Forest Association, £12 + £2 p&p from NFA Books, 13 Brook Avenue North, New Milton BH25 5HE).

This book presents a very thorough history of the New Forest Association (NFA). In some ways, the NFA has close parallels with the Open Spaces Society. Both organisations are a remarkable 150 years old, forged when enclosure and other threats were conspiring to extinguish the last vestiges of rights in the countryside. Sadly, in both cases, those involved locally were too weak to oppose vested interests, and needed national champions to publicise their cause.

Among the hundreds of royal hunting forests which once covered one quarter of the landscape, there is nothing remarkable about the New Forest, except that it survived! This was in no small measure due to the tireless efforts of the NFA, which highlighted issues, and galvanised local and national opinion.

Now that the New Forest is a national park, with two European and one global designation for its birds, habitats and

*Woodgreen Common, New Forest. Photo: Graham Bathe.*



wetlands, it seems almost inconceivable that there were waves of proposals to destroy it. These included turning it over to agriculture, planting with conifers, using it for military training on a massive scale, and developing it with housing. In 1872 the short-sighted chancellor of the exchequer claimed that for all the advantage that it was to the nation, the New Forest might just as well 'be submerged in the waters of the sea'.

Even in the last decade the government naively proposed to sell off the national forests, based on a commerce-knows-best ideology. The recognition that the New Forest, as forged by a thousand years of commoning, is a far greater asset for amenity and wildlife than commercial forestry could ever be, is testament to the foresight and energy of the NFA.

**Graham Bathe**

**Natural Capital: valuing the planet** by Dieter Helm (Yale University Press, £20 hb, £14.52 pb).

The age-old problem for those of us who value the environment is that traditional economics, based on increasing the gross domestic product, take no proper account of natural capital, such as the climate, oceans, biodiversity, common land and open spaces.

These goods are clearly valuable yet it is difficult to stop them from being damaged or destroyed by exploitation or lack of maintenance. Some environmentalists have attacked economic growth because it endangers these precious assets—only to be accused of being negative and anti-progress.

Helm argues that the environment should be at the heart of the economy. He shows how ‘the benefits from our extraordinary natural endowment can better contribute to economic output’. He stipulates a simple rule: the aggregate level of natural capital should not decline.

He says that we should establish a national balance-sheet in which natural assets can be properly measured, and maintained by compensation payments, pollution taxes and payments for the depletion of non-renewable resources. We could save money by abolishing ‘perverse subsidies’—such as the current farm payments. Helm outlines the economic case for protecting our commons from overuse and finishes by outlining the institutional framework which could make it all work.

Helm is a distinguished economist and the book is thought-provoking and well-written with plenty of pleasing local examples close to his Oxfordshire home.

**Tom Fisher**

**Guide to the Kent Coast Path: Part 1, Camber to Ramsgate** by Robert Peel and Peter Smith (£6.50 but only £5 if you mention *Open Space*; cheques payable to Kent Ramblers, 15 Woodland Way, Petts Wood, Orpington BR5 1NB).

This is an invaluable guide to the first stretch of the England Coast Path to be opened in Kent. The 66 miles are described in eight sections.

*The sands of Dymchurch. Photo: Robert Peel.*

Alongside a detailed and very clear description of the route, with coloured maps at a scale of 1:25000, it contains information about the many points of interest along the way. There are also excellent diagrams to explain the Kent coast’s complicated geology.

Ramblers’ volunteers worked for years to win this access. Kent Ramblers surveyed their coast and worked with Natural England to achieve the best line for the path. The book also mentions Ramblers’ victories such as access secured to Capel Battery and the path saved from closure beneath Abbots Cliff House, Dover.

If you want to walk some of the path in company, why not join the White Cliffs Walking Festival, 24-31 August 2017?

**The Pennine Way: the path, the people, the journey** by Andrew McCloy (Cicerone, £12.95).

Andrew decided to walk the Pennine Way as they both approached 50. This is about the people he met, the discoveries he made and the thoughts he had. More than a mere description of the route, it is readable and engaging.

As he reached the northern terminus at Kirk Yetholm Andrew reflected that ‘the Pennine hills ... were now part of me and nothing could ever take that away.’

It was his journey of a lifetime—and it will inspire others. **KA**



## Margaret Bowdery, 1933-2016

**You would not have thought that the land around north Maidenhead could be bandit country—but it was when our member Margaret Bowdery first came to live there in 1964. The state of the paths was awful.**

Margaret soon got to work in the face of hostility from Berkshire County Council. She formed the East Berkshire Ramblers' Group, to lead not walks but working parties, to clear the paths and erect signposts and waymarks.

Born in Ealing, Margaret grew up in leafy surroundings. After leaving school she became assistant to a sales director for Telephone Rentals in Knightsbridge and in 1963 met her future husband, Bernard, who worked in the same office. Although Margaret loved to climb, they spent many weekends in the Thames Valley; after they were married they moved to Maidenhead.

Margaret had many successes, owing to her persistence—for instance, a footbridge over the Thames at Temple, access to Sashes Island, Cookham, the

Maidenhead Green Way, the missing link in the footpath beneath Cookham Bridge, and a footpath under the lethal A404 Marlow bypass, which was opened by the local MP Theresa May in 2005. The Bowdery Archway under the A404 is the only public monument to Margaret but her legacy is the much-improved path network of east Berkshire.

Margaret's zealous, unremitting work provided safe places for people to walk. She was impossible to ignore, and we are indebted to her.



### COME TO OUR AGM

on Thursday 6 July 2017 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 24 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 24 May. Candidates must have been individual members of the society since 24 May 2016. 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*.

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

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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