

# SIGNPOST

Newsletter of the Peak and Northern  
Footpaths Society



Number 38

Winter 2010-11

### RAMBLINGS FROM THE CHAIR

This quarter I intend to take time and evolution as my theme. This Society has been in existence for a long time. But it takes time to get things done and people only have so much time to give; change takes time; the list goes on. It is certainly true to say that things don't always happen quickly at PNFS (they take time); sometimes it is simply the nature of the job; other times it is because we do not have the resources (volunteer time) to do all the jobs we want to. That being said, it is an exciting time with good things happening already this year and more are planned for the year ahead.

#### Bridestones

By the time you read this, the public inquiry to decide the outcome of the DMMO in respect of Congleton Path 82 (Bridestones) in Cheshire East will have finished. The saga of the Bridestones path goes back as far as the 1930s when the Society reached an agreement relating to certain paths on the Cloud at Bosley. Terry Norris described this claim, to add a path to the definitive map, as unfinished business that the Society needed to address. I'll leave the full story to another edition of the newsletter, when we will know the outcome of the inquiry. However, I do want to sing the praises of one volunteer in particular - Adrian Littleton. Adrian has worked tirelessly to ensure that all the preparations

that could be done were done, and done well. For a man who celebrates his 80th birthday this year, that was no mean feat. Win or lose I would like to thank Adrian (and his very understanding family) for all the hard work (and time) he has put in.

#### Half-Year Meeting.

Seventy members attended the meeting at the Britannia Hotel and a further twenty sent their apologies. Once again we asked for donations towards the cost of lunch and we would like to thank the people who gave generously.

By keeping reports from officers brief, we were able to spend more time seeking the views and opinions of the members present. The following are the main points that were discussed, with feedback from the officers in italic.

Other charities may have money that we could apply for:

*This is undoubtedly true, but there are two reasons why the Society cannot claim this money. First and foremost, we still have considerable reserves and, undoubtedly, this would go against us. Secondly, we do not have the resources to commit the time and effort to this initiative, without diverting our attention from footpath matters.*

Posting the Annual Report and Newsletter by hand:

*Again this is a question of resources: all our volunteers are committed to footpath preservation activities. In addition, given that we cover 6,000 square miles, we could only ever hope to deliver to a small part of our member-*

*Cover: Members on a PNFS Walk in the Ladybrook Valley, photographed by Dave Brown*

ship, severely limiting the potential cost saving.

Appealing for people to include a legacy in their wills:

*When space permits we will include such an appeal in the newsletter. However, we should not see this as a quick fix; people are living longer and may have other plans for their estate.*

Remove the option for receiving the Annual Report and Newsletter in their current paper format:

*Whilst the officers agree that considerable savings could be made, it is felt to be wrong to impose this on the membership. The facility is there for any member who wants publications by email and we would encourage more members to sign up.*

Employ a professional fundraiser:

*The officers questioned whether a professional fundraiser could actually bring in more than their salary. If you do know anyone willing to have a go on a commission-only basis I am sure the officers will give it due consideration.*

Target parish councils and other groups in our recruitment campaigns:

*The idea of targeting parish councils, in particular, has been around for a long time. David Williamson, who raised the idea, went on to offer his help, and he and Terry Norris are working on proposals.*

Increase subscription rates:

*For some time now (three years in fact) we have shied away from talk of an increase in subscriptions. And it is true to say the feelings on the subject were mixed. However, on balance it has been agreed that we formulate a proposal for discussion and a decision at this year's AGM.*

## **Direct Debit**

Maybe not so long-running as the Bridestones saga, but the story of putting a direct debit facility in place has been long and tortuous. The time and effort that has gone into getting us to the point where we can include a direct debit mandate with

## **Seventy members attended the half year meeting**

this newsletter has been staggering. Was it worth all that time

and effort, you may ask. The short answer is that it depends on you, dear member. If you sign up to paying your subscriptions by direct debit, the time and effort saved in the future will make it very worthwhile. So please, please take a few minutes to fill out the form, pop it in an envelope and return it today. Whilst filling the form in, please consider making an additional donation. All money goes directly to the core work of the Society. As an incentive the Trustees have agreed that the subscription rate for 2011, when paid by direct debit, will remain unchanged even if the AGM agrees to an increase..

## **Courts and Inquiries Officers**

Before 1969 the Society did not have an Officer dedicated to this role. Given that we were established in 1894, it has certainly been slow progress. The evolution of the C&IO began in 1969, when for the

*Continued overleaf*

first time an officer was appointed to the role. As I said in my opening comments, things don't always happen quickly at PNFS, but things do change. The change that took place in 2006, under the chairmanship of David Bratt, was the appointment of three people to that role. The number increased to four during my time as Chairman. That was a major change for the better, allowing us to offer more advice and attend more Public Inquiries than we could with the single C&IO.

Back in 2006 John Harker was one of those appointed and he gave a commitment to cover a large area for a period of 3 years (a commitment made 4 years ago!) Throughout his appointment John has done sterling work on behalf of the Society, as do all our C&Ios. However, last July, John informed me that he felt he needed to reduce the amount of time he spends on Society business. So at the January meeting we agreed to reduced his workload, though he remains responsible for Barnsley, Doncaster, Leeds, Rotherham, Wakefield and Sheffield. In Derbyshire he will share the work with Rhoda Barnett. I must stress that John's commitment to the Society remains as strong as ever.

At the Taylor House Open Day, Colin Miller expressed an interest in joining the Society and, given that he has a legal background, we readily agreed to discuss this further. Whilst Colin's role has yet to be formalised, he is already working with Terry Norris to

understand the role of C&IO and he will be attending a one-day course run by IPROW during February.

### **Situation (still) vacant**

As we go to press we do not have a suitable candidate for the role of Chairman. I can assure you that the Trustees are doing everything possible to find my successor. Sticking with my theme of time and evolution, we have to ask the questions: is it time for change and is there a need to change the Society's management structure? As I said at the start, things take time; change doesn't happen overnight. But the Trustees will be considering all the options open to us. In the mean time, if you would like to express an interest (without committing yourself), or if you think you know someone who may have an interest in leading "the oldest regional footpath preservation society", do get in touch with either David Bratt or myself.



*Does anybody know where we are going?*

## NEARLY THERE? A GRINDLEFORD SAGA

Padley Gorge in Grindleford (Derbyshire) is a very popular walking area, partly owned by the National Trust, with a beautiful river valley leading up to open moorland, easily accessible from a railway station and bus routes. There are several public footpaths in the area, but one of these, called Footpath 12 Hathersage (now in Grindleford parish), is shown on the legal record of public rights of way, the definitive map and statement, as running straight through a house and gardens. Walkers have been using an alternative route, which was not blocked, but which was not recorded on the definitive map.

In 1996, the owner of the house approached Derbyshire County Council (DCC) to find out how he could resolve this problem, since he was becoming elderly and might well wish to sell his property in the not-too-distant future. After protracted discussion, DCC agreed with the owner that the footpath must have been put on the definitive map in the 1950s on the wrong line. The council therefore, in 2007, made a modification order to remove the obstructed section of the path from the definitive map. Note that this is not the same as an extinguishment order, which would have extinguished the path on the grounds that it was not needed for use by the public, but an order which, if confirmed, would prove that there had never been a public path on the line shown on the map. The Society was the only objector to this order, on the grounds that there was not sufficient evidence that the line of the path on the map

**the remaining section would be left as a dead-end**

was wrong. We had no wish to prolong the distress of the owner of the property, but we could see that if public rights over this section of the path were no longer recognised, the remaining section of the path would be left as a dead-end, and there would be little hope of securing a diversion onto the route used by walkers. Because of this objection to the order, DCC sent the order to the Secretary of State, who appointed an Inspector to look into the matter by means of a written representation procedure; that is, an exchange of written statements of case and comments on them. The Inspector eventually decided in June 2008 that John Harker, on behalf of the Society, was correct and the order was therefore not confirmed and was abandoned.

This left the path on the definitive map and still obstructed. The Society's Inspector Graham Sencicle, and the Courts and Inquiries Officer Rhoda Barnett, continued their pressure on DCC to fulfil its legal duty to remove obstructions from rights of way by, in this case, making a diversion order to move the path to the line which the public used. After resolving problems with landownership on part of the proposed diversion, on 6 January this year the council finally made a diversion order. The Society has welcomed this order and we hope that no-one will object to it so that it can be quickly confirmed. At long last the public will have a legally recognised unobstructed route and the owner of the house will be free of the blight on his property.

*Rhoda Barnett*

### TAKE BACK THE TRACKS

... is the slogan used by the Friends of the Peak in their campaign against the inappropriate and irresponsible use of 4x4 vehicles, trail motorbikes and quad bikes on so-called green lanes. I say so-called because, as the accompanying photograph of the Chapel-gate path shows, there is rarely much green left when these vandals have passed.

Most off-roading happens on lanes and paths where cars should not have the priority. There are various categories for different routes, which can be confusing. Some are BOATs (Byways Open to All Traffic) and others are unclassified. Some off-roading is legal, but damaging; some is completely illegal.

Apart from ruining people's quiet enjoyment of the countryside, irresponsible off-roaders are causing serious erosion and destroying precious wildlife areas, including some which are nationally and internationally important.

The Friends have had some success with their campaign, notably at Houndskirk. They raised the issue with Natural England, the Peak District National Park Authority and Sheffield City Council and persuaded them to look at ways of stopping off-roaders. A team from Moors for the Future have now finished fencing off the area, repairing the battered ground, and helping the heather to regenerate. They have also put in stiles so that walkers can still use the two footpaths there.



*The ruins of the Chapel-gate Path*

Elsewhere in the Peak District they are campaigning to stop the destruction of landscapes and to preserve routes for the quiet enjoyment of walkers, horse-riders and cyclists. Derbyshire County Council and The Peak District National Park Authority are planning to manage eight of the worst routes but it is disappointing that they are not taking immediate action at places such as Chapel-gate where the damage is really bad.

They are lobbying for the most sensitive routes to be closed to motorised vehicles entirely; for the police to take action against illegal use of lanes; and for new solutions such as dedicating less sensitive areas to off-roading.

And you can help!

- If you are concerned about off-roading in a place that is special for, you get in touch with John King through the Friends web-site.
- Contact the National Park Authority or the County Council to voice your concerns about off-roading.
- If you see actual incidences of illegal off-roading, then take the trouble to report it to the local police.

*Dave Brown*

## PNFS WALKS PROGRAMME

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

### SHORT WALKS

#### **Wednesday 9th March**

Leader: Dave Brown (01663 733236)  
Broadbottom to Stalybridge. 6 miles, 700ft of ascent.  
Manchester Piccadilly 1048  
Walk starts at Broadbottom station at 1110

#### **Wednesday 13th April**

Leader: Peter Burns (01744 893432)  
Helsby Circular. 7 miles. Undulating.  
Manchester Piccadilly 0950  
Walk starts at Helsby station 1045

#### **Wednesday 11th May**

Leader: Dave Brown (01663 733236)  
Strines Circular. 6 miles. 800ft of ascent  
Manchester Piccadilly 0945  
Walks starts at Strines station 1010

#### **Wednesday 8th June**

Leader: Neil Collie (0161 440 9424)  
Prestbury circular: 6.5miles, 500ft ascent  
Manchester Piccadilly 1048.  
Walk starts at Prestbury station at 1115.

### LONGER WALKS

#### **Wednesday 23rd Feb**

Leader Martin Riley (01706 848408)  
Walkden to Daisy Hill. 10 miles linear. Fairly flat.  
Manchester Victoria 1010  
Walk starts at Walkden station at 1030

#### **Wednesday 30th March**

Leader: Dave Brown (01663 7332326)  
Buxton to Whaley Bridge linear. 10 miles. Hilly.  
Manchester Piccadilly 0952  
Walk starts at Buxton station at 1055

#### **Wednesday 27th April**

Leader John Humpherson (0161 449 0524)  
Glossop to Hadfield linear. 10 miles. Hilly.  
Manchester Piccadilly 0948  
Walk starts at Glossop station at 1020

#### **Wednesday 25th May**

Leader Alan Talbot (07714826899)  
Mytholmroyd to Todmorden linear. 12 miles. Hilly.  
Manchester Victoria 1000  
Walk starts Mytholmroyd station at 1045

## IS THE DEFINITIVE MAP DEFINITIVE?

Section 56 of the Wildlife and Countryside Act 1981 provides that a definitive map and statement shall be conclusive evidence of the particulars contained therein to the following extent: where the map shows a footpath, the map shall be conclusive evidence that there was, at the relevant date, a highway as shown on the map and that the public had a right of way on foot over it. There are similar provisions in relation to a bridleway or byway open to all traffic shown on the map. However, section 53 of the same act allows a Highway Authority to make an order deleting a path from the definitive map where evidence has been discovered

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### The discovered evidence must be new

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which, when considered with all other relevant evidence, shows that there is no public right of way over the land shown on the map and in the statement as a highway.

Fortunately, case law interpreting section 53 has set a high hurdle for applicants seeking to take advantage of the procedure. The evidence of error must be 'clear and cogent' i.e. a forcefully convincing or compelling belief. As Lord Denning said in *R v Secretary of State for the Environment ex parte Hood* in 1975: "The definitive map in 1952 was based on evidence then available, including the evidence of the oldest inhabitants then living. So it would be very unfair to reopen everything in 1975." If that was true in 1975 then it is even more so in 2011. The inclusion of paths on definitive maps, which were generally drawn up in the 1950s and 60s, would have been based on the knowledge of local people going back

to the late nineteenth century and during a time when walking was the commonest form of travel in the parish. There were ample opportunities for landowners to challenge the inclusion of paths as public on their land when both the draft and provisional maps were deposited for public inspection.

What sort of evidence might satisfy the clear and cogent test? The discovered evidence must be new and not evidence known at the time the definitive map was surveyed and published. The following two categories would appear to satisfy the test.:

- Evidence that the path was lawfully closed before the relevant date of the definitive map. An example of this arose in Huddersfield, where an order made under emergency war-time legislation closed a path which was recorded on the definitive map at a later date. A copy of the order was discovered in a solicitor's office and was sufficient to cause the highway authority to delete the path from the map.
- Evidence that the route could not have been lawfully dedicated to the public because of a legal impediment. A right of way comes into existence by a landowner giving the public the right to use a way over his land by dedicating it as a public right of way. The law presumes that at some time in the past the landowner dedicated the way to the public either expressly, or more commonly impliedly, by making no objection to the use of the way by the public.

An example of a legal impediment preventing dedication would be a restric-

tive covenant on the land precluding the owner from creating a public right of way on the land. Another example would be where the land was owned by a statutory body which had no power under the Act setting it up to dedicate a right of way to the public.

In my experience the commonest argument used by landowners is based on negative user evidence, i.e. statements by persons who have lived in the area for a long time that they have never known a public right of way to exist as shown on the map. If these statements relate to a period *after* the definitive map was produced, they are clearly irrelevant. If the statements relate to a time before the definitive map was produced, then this is still not sufficient in itself to satisfy the test for deletion, however convincing the witnesses. The inclusion of the path on the map was based on the knowledge of persons who are no longer available for questioning and so cannot be tested against the negative user evidence. Evidence that the path had never been used as a public right of way would have been relevant to the original process of drawing up the

map, when it could have been weighted against the evidence of people who did use the path. The evidence cannot be used to reopen the issue of whether the path should have been recorded as public.

Also irrelevant is the argument, commonly heard by Society inspectors, that the path was only for the use of the postman, people going to work, or the local farmer going to his fields. This would be pertinent in questioning a claim for a path to be *added* to the definitive map, but not for a deletion application.

I wish to acknowledge my considerable debt in preparing the above to the excellent series of articles by Alan Kind in the Byway and Bridleway newsletter - an invaluable read for all public rights of way activists. I have used the knowledge gained from their close reading to defeat two deletion applications opposed by the Society and am presently involved in another case.

*Terry Norris*

### **IN MEMORIAM - FRANCIS HAROLD HALL**

Frank was born on 15 March 1909 at Motton Green, Eccles, a grocer's son, but he moved to Macclesfield as an infant. As a teenager, his love of the outdoor life and energetic pursuits blossomed. At the age of 15, he cycled, on his own, all the way from Macclesfield to the Highlands of Scotland and back in only two weeks. In 1927, he inaugurated the Boxing Day walk for Chorlton Girl Guides, a tradition which continues to this day. He led these walks until he was 93 years old.

After retiring in March 1969, his life really began and he immediately walked the Pennine Way - some 267 miles - over about 3 weeks. From then on, he covered almost every square mile of the Lake District, Peak District, Yorkshire Dales and parts of Scotland. In 1999, Frank celebrated his 90th birthday by climbing up Helm Crag in the Lake District.

## BUILDING 'BRIDGES' WITH DCC

Footpath 15 in Brampton Parish, north-east Derbyshire, is one of those paths easily overlooked by a cursory glance at the O.S. map. It seems to duplicate a bridleway which runs on a parallel line nearby. However, that bridleway is very muddy in winter and very narrow in places if horses or cyclists are met coming the other way. The problem is (or was) that footpath 15 was totally obstructed by dense vegetation and by a barbed wire fence where it crossed a stream called Birley Brook near Linacre Reservoirs Country Park, west of Chesterfield.

Not any more it isn't. We got the path on the County Council cut-back programme for vegetation clearance 2 years ago. This led to the curious anomaly of workmen clearing a footpath as far as an obstructing fence but not tackling the fence which blocked further progress. The Society offered to fund a footbridge across Birley Brook where the fence obstructed the path, since as far as we know there has never been a bridge in this location. The 'quid pro quo' was removal of the obstructing fence.

After a hiatus lasting over 3 years, caused in part by a less than co-operative landowner, the bridge was finally installed in November just before the heavy snows. We had to threaten use of section 130A of the Highways Act 1980 before the County Council would resolve the impasse. We also contacted Councillor Jackson, the Deputy Leader of the County Council, who used his clout to get things moving.

The ceremony to 'hand over' the bridge took place on 19th January on a gloriously sunny day in the presence of Society volunteers, County Council staff, Councillor Jackson and a local Brampton Parish councillor. A happy ending. Staff tell me that the bridge is already getting plenty of use, with walkers commenting that they never realised before that a footpath existed at this location. How many other rights of way slumber in anonymity because a cursory glance at the O.S. map fails to tell the whole story of our rich & varied path network? Look a bit closer at that map the next time you venture forth?

## A SINKING FEELING ON THE SHIP CANAL?

The Manchester Ship Canal forms the boundary between Salford and Trafford at the point where Urmston Footpath 1 crosses it by means of a ferry. At least it did, but the ferryman responsible for the crossing point died sometime ago. He has not been replaced by the Ship Canal Company. To add insult to injury the footpath leading down to the canal is now blocked off by fencing. Our colleagues in

Trafford Group of the Ramblers' are currently investigating the Ship Canal Company's legal charter. It seems very probable that there is a statutory obligation on the Ship Canal Company to provide a means of crossing here and elsewhere, where rights of way were severed by the new canal which replaced the much older river Irwell Navigation.

*John Harker*

## SIGNPOST REPORT

Since my last report we've added four new signposts.

**S394** stands above The Heights of Abraham, on a very busy footpath junction at Mr David Ironmonger's Ember Farm, Bonsall. It was the gift of two of our most active volunteers, Sue and Steve Clarke, and it commemorates Sue's parents, uncle and aunt - Ernest and Clarice Clarke and Jim and Gladys McDonough - in a popular walking area, which had no PNFS signs but was frequented by Sue in her childhood.

**S395** is placed on the east side of Taxal Moor, at the heart of PNFS signpost territory, pointing the way to Fernilee, via a footpath that was becoming hard to spot through disuse. Thanks to a suggestion by John Grimsey, it was paid for by "Marple Walker" Roy Brocklehurst and is in memory of his wife Ann.

No new signposts were erected in December, but donations for three more were received and four new-style, smooth 'Join Us!' plaques were affixed to replace the old-style ones with incised lettering, which tend to turn green. Four more were done in January.

**S396 and 397** went up on 11th January, below and in Padfield Cemetery, Glossop. S397 was funded by Glos-sopdale and Longdendale F.P.S. in memory of Jim Brown. It points to Little Padfield.

**S335X** has been re-erected on the Sandstone Trail at Summertrees café on the western edge of Dela-

mere Forest, thanks to the efforts of president David Bratt. It briefly stood at the location of nearby S355, but became redundant when a redesigned plate was substituted at David's behest. His original plan was to have it placed inside the café, but it now stands once more as a functioning signpost just by

**We now have  
324 signposts  
to look after**

the roadside – even better! That means we now have 324 signposts to look after. Thanks to those of you who are providing me with updates on signposts they pass while walking. I hope that one or two of you might carry at least a nail brush on your travels, so that you can quickly buff up any lichen-covered JUPs or plates that you pass, with a quick squirt from your water bottle.

On the 14th and 15<sup>th</sup> of January I went to Rocher Wood and Damflask Reservoir, Bradfield, to meet Sam Beaton, a PROW officer for Sheffield. I then met farmers Frank Kirkham of Parsley Hay and Gerald Grinley of Mixon Grange, Onecote. We now have their consent for eight new signposts in three locations, where PNFS signposts are few or nonexistent, so I've ordered the plates. Now if only . . . .

*David Morten*



*Brian Morison fettles a  
PNFS Signpost*

**The Peak and Northern Footpaths Society**  
**Taylor House, 23 Turncroft Lane, Offerton, Stockport, SK1 4AB**  
Reg Charity No 212219  
**0161 480 3565** **mail@peakandnorthern.org.uk**



*Moon from Lantern Pike*



*Sunset over Kinder*



*Sunset on Mill Hill*



*Rainbow in Buckden Vale*

**Signpost is edited and published for the Society by David C Brown**  
**43 Bings Road, Whaley Bridge, High Peak, Derbyshire, SK23 7ND**  
**01663 733236** **dcb.home@gmail.com**