Open Space

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Open Spaces Society

Campaigning since 1865

Open Space

Cover story

Battle against Thirlmere zip-wires: on 27 January, the Friends of the Lake District held a rally to protest against Treetop Trek's proposed 'Thirlmere Activity Hub', which includes eight cables stretched across the lake. The Lake District National Park Authority will determine the controversial planning application on 7 March (see page 9). Photo: Chris James.

Opinion "..."

Making spaces

In January the London Assembly's planning committee sought our advice on its response to the Mayor's London Plan (see page 12).

This is the overall, long-term plan for London to 2041, and the committee was keen to get our views on the chapter about green infrastructure and natural environment.

I was asked whether non-designated, informal open spaces were threatened (yes) and how could they be better protected in the plan. I proposed, first, that the boroughs must dedicate any green spaces in their ownership as town greens, so as to protect the land in perpetuity and give local people rights of recreation there.

Dedication

Second, I said, planning authorities should, when determining applications for development, require the developers to dedicate as greens any amenity land to be provided within the development. At the invitation of the chair, Nicky Gavron, we have drafted such a policy.

Right now, the designation of open spaces as greens is the only option to secure them for ever but, where the landowner is not willing to dedicate, the strict 20-years' use criteria mean that this is not a solution applicable everywhere.

Local green space (LGS) is an inadequate alternative. This was offered by the government in mitigation when the swingeing Growth and Infrastructure Act 2013 made it so much harder for local people to register land as greens on the basis of 20 years' use. But five years on, few LGSs have been designated.

Croydon Borough, for instance, put forward 89 sites for LGS status in its local plan, but they were all rejected by the planning inspector, Paul Clark, because he was not convinced that the methods used by the council to identify LGSs were sound. The criteria are so vague and restrictive that it is difficult to meet them. Creation of village greens is hampered by too strict criteria; by contrast LGSs have been too loosely defined to meet the rigidities of planning.

Special

For instance, land must be 'demonstrably special' and of a 'particular local significance'. But it is just those ordinary, scruffy spaces, dear to so many, that have no protection—and desperately need it.

In its 25-year plan (see page 6), the government acknowledges the benefits of open space and says that new developments should include accessible green spaces, but it does not mention town and village greens or any other means of securing land—these must ensue.

If adopted and followed, our proposed policy will be a significant boost for the new dream of London as a 'national park city', with permanent breathing spaces for all to enjoy—and it will be a precedent for others. **KJA**

Case File

Foot-and-mouth closures

R (on the application of Roxlena Ltd) v *Cumbria County Council [2017]* EWHC 2651 (Admin), 30 November 2017.

The high court has clarified the role of the surveying authority in deciding to make definitive map modification orders.

Cumbria County Council had received two successive applications, based largely on user evidence, for orders recording ways in Hayton Woods south of Brampton.

The first was purportedly withdrawn, but the council acted on the second. The council was unsure about the exact alignment of the application paths, but was refused permission to carry out a site survey (authorities lack powers of entry for this purpose). It went ahead and decided to make the order anyway.

Quash

The claimant, Roxlena (a company registered in the British Virgin Islands), did not wait to object to the order: it asked the court to quash the council's decision to make the order. George Laurence QC, with Claire Staddon, represented the claimant; Alun Evans appeared for the defendant council.

The judge (Kerr J) found as follows.

The obligation on a surveying authority (paragraph 3(1)(b) of schedule 14 to the Wildlife and Countryside Act 1981) to decide whether to make an order 'survives any purported withdrawal'. While it perhaps cannot be relied on in every circumstance, the finding will be helpful where applicants withdraw under pressure from the landowner.

The order map did not need to 'attain some particularly high level of precision' (the judge said, quoting from *Perkins* v *Secretary of State for the Environment [2009]* EWHC 658 (Admin)). 'The obligation on the surveying authority is to make a judgment on the basis of the best evidence it has.'

The judge was concerned that use had temporarily ceased during foot and mouth. (The closures in Cumbria did not affect the order ways, because they were not at the time recognised as public rights of way, but people did stop walking the ways for a while.)

Breaks in use

Although content that there was sufficient evidence of use to let the order go to an inspector, the judge said: 'I do not agree with the proposition in the Advice Note [Planning Inspectorate, number 15, 'Breaks in user caused by foot-and-mouth disease'] … that an interruption which is more than *de minimis* but caused by measures taken against foot-and-mouth disease, is incapable in law of amounting to an interruption in use of a footpath or other way. … Use or non-use is a question of fact; the cause of any non-use is not the issue.'

These comments about breaks in use during foot-and-mouth disease are worrying, although they are not binding. We understand that the Department for Environment, Food and Rural Affairs intends to stand by its advice note 15 for now, although it has declined to offer a rationale for doing so.

We believe that the claimant is determined to appeal. ❐

Public access: public good

The environment secretary, Michael Gove, has acknowledged that public access is a public good.

We believe this was the first time that Michael Gove, the Secretary of State for Environment, Food and Rural Affairs, has stated that public access is a public good. He was speaking at the Oxford Farming Conference on 4 January on Farming for the Next Generation.

What Mr Gove said about access was:

> *Public access I know can be contentious and I won't get into the weeds of the debate on rights of way now. But the more the public, and especially schoolchildren, get to visit, understand and appreciate our countryside the more I believe they will appreciate, support and champion our farmers. Open Farm Sunday and other great initiatives like it help reconnect urban dwellers with the earth. And they also help secure consent for investment in the countryside as well as support for British produce. So public access is a public good.*

Opportunity

We already knew that Mr Gove was keen that schoolchildren should have the opportunity to visit the countryside. But now he is talking about the public generally—so government thinking is moving on.

The society, British Horse Society, Byways and Bridleways Trust, and Ramblers wrote jointly to Michael Gove last October, setting out our proposals for access payments post-Brexit. Now we are working with a range of organisations to develop more detailed plans for how this would work.

Put simply, farmers should be rewarded for providing new access where people need it. Farmer's bids should be assessed against criteria such as public demand or achievement of objectives in the highway authority's rights-of-way improvement plan. New routes should link existing ones or improve safety by enabling walkers and riders to avoid busy roads. Land could be dedicated as access land or village green.

Improve

Farmers should also be encouraged to improve existing access, by providing wider paths, or removing gates or stiles. There should be more access points to access land, and they should be properly publicised.

A clear path near Melbourne, Leicestershire, sets a good example. Photo: Barry Thomas.

There must also be a proper system of cross-compliance—efficiently policed to ensure that farmers who receive public money respect all the rights of way across their land, with penalties for those who infringe the law. ❐

Countryside Act at 50

This year we celebrate the fiftieth anniversary of the Countryside Act 1968, an important piece of legislation.

The society played a major role in the genesis of the Countryside Act 1968.

The National Parks and Access to the Countryside Act 1949, which led to the designation of our top landscapes as national parks and areas of outstanding natural beauty (AONBs), was pioneering legislation, born out of post-war idealism. By the 1960s there were increases in leisure, mobility and income which some feared would become a crisis. Michael Dower (son of John Dower who was the inspiration behind our national parks) wrote in 1965 of the 'fourth wave':

> *Three great waves have broken across the face of Britain since 1800. First the sudden growth of dark industrial towns. Second, the thrusting movement along far-flung railways. Third, the sprawl of car-based suburbs. Now we see under the guise of a modest word the surge of a fourth wave which could be more powerful than all the others. The modest word is* leisure *(Fourth Wave, the challenge of leisure,* A Civic Trust Survey, 1965).

A series of conferences entitled *The Countryside in 1970* was held in 1963, 1965 and 1970 and helped to sharpen this sense of threat. The first two resulted in a government white paper, *Leisure in the Countryside*, published in 1966. This proposed, among other things, the creation of country parks which would 'make it easier for town-dwellers to enjoy their leisure in the open, without travelling too far', help to ease the pressure on wilder areas and 'reduce the risk of damage to the countryside'.

In 1967 the Gosling Committee report was published. This committee was established by ministers to carry out a comprehensive examination of the 'system of footpaths, bridleways and other rights of way'.

The society gave evidence to the committee and was pleased that many of its proposals were adopted at least in part, including reinstatement of ploughed paths and signposting of rights of way. We also wanted bulls over 12 months old to be prohibited from fields crossed by paths, and for all towpaths to be made into public rights of way—these were not adopted.

Stimuli

Leisure in the Countryside and the Gosling report were the stimuli for the Countryside Act 1968, which applied to England and Wales. It was introduced as a bill designed to tackle the problems of the countryside. Strangely, recreation and access were considered as distinct matters and occupy difference sections.

Colne Valley country park at Denham in Bucks.

The initial bill contained some alarming provisions, such as the temporary closure, or diversion without time limit, of paths to facilitate ploughing. Fortunately, these were amended by the bill committee, whose members included MPs sympathetic to the society's views: Paul Channon, Peter Jackson, Carol Johnson and John Parker.

The Countryside Act expanded the remit of the National Parks Commission (established by the 1949 act to oversee national parks and AONBs) to the countryside as a whole and renamed it the Countryside Commission. The act empowered local authorities to create country parks and the Countryside Commission could offer grants for these and other recreational facilities. Local authorities could also provide services for the enjoyment or convenience of the public on commons with public rights of access, subject to a dedicated common-land consent process.

In the ten years following the act 150 country parks were established, with 220 by 1988 and 250 by 1998. Today, regrettably, many local authorities are selling or neglecting their parks although they still fulfil an important need.

Experimental

The commission was also given powers to undertake or grant-aid experimental or research projects, which it and its successors have done to great advantage. The commission tested upland-management initiatives with small grants aimed at reconciling conflicts between farmers and recreational activities. It piloted agri-environment schemes which were later incorporated into European Union funding regimes.

The act extended the definition of open country, on which access agreements or orders could be made, to include woodland, riversides and canal sides. The intention was to provide access close to people's homes—but the measure has been rarely used. The 1949 act's definition of open country was land which is predominantly 'mountain, moor, heath, down, cliff or foreshore'.

Badly-maintained stile in Ibstone, Bucks: this is the landowner's responsibility.

Signposts and waymarks

The section on rights of way included a legal duty on highway authorities to erect a signpost where a public path leaves a metalled road (see page 14), and to waymark a path so as 'to assist persons unfamiliar with the locality' to follow the course of the route. It placed a duty on the landowner to maintain stiles, gates and other structures in a safe condition, and to make good the surface of a path after ploughing within three weeks, or six weeks if notice was given to the highway authority.

Cyclists were given the right to ride on bridleways provided they gave way to walkers and riders.

Traffic regulation orders could be made for rights of way in national parks, AONBs and other designated areas for the conservation or enhancement of natural beauty, or the better enjoyment by the public.

Many of the provisions in this act have been superseded, but they were largely steps in the right direction. ❐

Government looks ahead

The government has published a 25-year plan for the environment. Now we must see some action.

The government's 25-year environment plan has many fine ambitions, which we applaud; but we should like to know more about how the government intends to achieve them.

We welcome the aims for green spaces. Government intends to ensure there are high-quality, accessible natural spaces close to where people live and work, and to encourage people to spend time there, for their health and wellbeing. It will establish a cross-government project, led by Natural England, to review and update standards for green infrastructure.

The government says that new developments should include accessible green spaces: it will put the environment at the heart of planning and development, and will enhance the green belt so that it provides breathing space for our urban populations to enjoy.

While it is encouraging that the government recognises the crucial importance of green spaces to health and wellbeing, those spaces are suffering from lack of investment and neglect, which must be reversed.

There is no recognition in the plan that new village greens can help achieve these aims. Government should compel developers, local authorities, and others to dedicate land in and around communities as greens; these are enjoyed by right and are protected from development.

Government must strengthen planning policies so that developments are friendly to informal recreation. It must stop green spaces from being hijacked for commercial events that prevent local use.

Regrettably, the role of common land is overlooked. Commons provide significant public benefits and their protection plays an important part in meeting many of the plan's objectives.

Public rights of way get only a passing mention. A well-maintained and welcoming network will encourage people to get outdoors, with benefits to health and local economies.

The next step should be an assessment of the legislation and guidance required to bring these vague but admirable aims into fruition. We are ready to help. ❐

Poulshot village green, Wiltshire. Photo: Graham Bathe.

Taking action

Mistake put right

Parish and town councils may be able to rescue commons which were omitted from registration through an administrative error. Brockdish Parish Council, a member of the society in south Norfolk, has shown the way.

Brockdish council proved that part of the land contained in a 1968 application to register the common had been wrongly omitted from the common-land register. This was when the rest of the common was registered as CL125 by Norfolk County Council, under the Commons Registration Act 1965.

There was no provision to correct mistakes in the registers until part 1 of the Commons Act 2006 was brought partially into effect in England in 2015. The parish council seized this opportunity to restore the forgotten 0.6 acres, making the total area of the common 3.72 acres.

Lost commons

We have raised more than £12,000 for our lost commons appeal. Thank you for your generosity.

Parish councillor Derek Clark explains: 'When the council started to turn its mind to improving the condition of Brockdish Common we found two stumbling-blocks. Only part of the common was registered and, because there is no owner, the parish council was not authorised to use public money on its management.

'The mistaken registration was because of the poor submission when the common was first registered. The map stopped halfway down the common, so that is where the applicant drew the boundary.

'There was a scribbled note on the map saying "to the river" and Norfolk County Council, the registration authority, accepted this as an intention to register a bigger area. We were also able to point out that the acreage specified in the schedule was much larger than the area shown on the map.

'Of prime importance was our ability to get elderly residents to sign a statement confirming that they had always known the common to extend to the River Waveney; they had played there as children and seen the area being grazed.'

Negotiating

The society helped the parish council to gain the powers to carry out management. The council is negotiating with South Norfolk District Council to establish a scheme of regulation which the parish council can implement.

The parish hopes soon to improve an overgrown and unmanaged area for the community. A village teenager has started this off by making a solid oak seat, in memory of his grandfather, so that villagers can enjoy the common.

Brockdish Common. Photo: Derek Clark.

Forms for works

We are making progress in our campaign to reinstate the original application forms under section 38 of the Commons Act 2006. Section 38 requires the consent of the secretary of state for works on common land (and some town or village greens) which prevent or impede access to the land.

Five versions of the form were published on the *gov.uk* website during 2017. In our view, all the amendments have been unhelpful to inspectors and objectors—although the Planning Inspectorate (PINS) is driving the changes.

Schemes

We complained to PINS and the Department for Environment, Food and Rural Affairs (Defra) in 2016 and 2017 that PINS was granting applications on common land managed by schemes made under part 1 of the Commons Act 1899—without regard to the terms of the scheme, including whether the works were already permitted under the scheme, and ignoring the access rights it conferred.

PINS responded by removing any questions about schemes from the application form. This prevented it from taking account of schemes in future decisions. By doing so, it also removed any way of verifying applications for consent to works on town or village greens. Such applications can be granted only if the greens are managed under 1899 Act schemes—but now PINS has no way of knowing.

We said that, having removed the questions about schemes, PINS would not be aware of the enhanced public right of access to scheme commons (we believe it extends to horse riders, subject to any by-laws made under the scheme). We contrasted that deletion with the retention of questions about the right of access under section 193 of the Law of Property Act 1925 (which does extend to horse riders). In a further revision of the form, PINS deleted those questions too.

Now, the form seeks no information whatever about access to the common. Yet an access right under the Countryside and Rights of Way Act 2000 is more restrictive than under the 1899 or 1925 acts, so PINS needs to know.

Parliament also thinks access matters: section 38 is all about restricting 'access' to common land, and section 39 says the secretary of state, in deciding whether to grant consent for works, must have regard to 'the protection of public rights of access to any area of land'. But it seems PINS does not want to know, and prefers to minimise the time and cost of processing an application.

Consult

We asked early on that PINS and Defra should consult on changes to the form. They said they had no need to—but the fact that they have had to update the form four times in a year suggests otherwise.

In December 2017 we told the National Common Land Stakeholder Group, which advises Defra, of our concerns and received support from other members. They pointed out that the form should tell potential objectors (as well as PINS) how the common or green is regulated. They asked whether legal advice had been sought (not, it appeared). They drew attention to the removal of any mention that consultation is recommended before an application is made.

The Defra chair of the stakeholder group asked that Defra discuss these issues again with PINS, and report back to the group. We look forward to being consulted on the first revision of the form for 2018. We hope it can also be the last.

Meanwhile, in Wales, the form remains unadulterated and requires the full information to be provided. We understand that the Welsh Government has no intention of amending the form. ❐

Far & Wide

Update on turbines

South Lakeland District Council's planning committee has rejected an application from Innogy Renewables to extend the life of the Kirkby Moor wind farm to 2027.

We objected because the turbines are a severe intrusion in a wild landscape, highly visible from many directions and in particular from the Lake District National Park. They occupy a significant area of common land, and the moor is criss-crossed by public rights of way. We are delighted that this landscape is now to be rescued.

We are sad to report though that Hendy Wind Farm Ltd has appealed against Powys County Council's rejection of the seven wind-turbines near Llandegley Rocks and there is to be a public inquiry in March. We have submitted a further strong objection.

Zipper-mere

By the time you read this we should know whether the Lake District National Park Authority has granted planning consent to Treetop Trek for a massive zip-wire development across Thirlmere, in the heart of the park.

The proposals include eight cables stretching across the lake, with take-off and landing points, gantries, additional car-parking and buildings.

We said that Thirlmere would become Zipper-mere. The development would dominate this splendid landscape and destroy its peace. The works would be in breach of the park authority's statutory purpose, to conserve and enhance the natural beauty, wildlife and cultural heritage of the national park. They would constitute a major development which the park authority is pledged to reject unless there is an overriding national need—but of course there is no need, national or otherwise.

We have a stake in Thirlmere. In 1878 a reservoir scheme was proposed by Manchester Corporation through a private bill in parliament. By threatening opposition, the society persuaded the corporation to amend the bill and give the public a right of access on foot to the commons which were part of the scheme. This right was enshrined in the Manchester Corporation Act 1879 and endures today, further reinforcing the value of this area for quiet recreation.

There are 3,500 objectors including the Friends of the Lake District, the Campaign for National Parks, the British Mountaineering Council, the Ramblers and the National Trust. The national park authority, which is due to determine the application on 7 March, cannot fail to know of the enormous strength of feeling against this horrible development.

Thirlmere from Raven Crag. The zip-wires would be visible, stretching across the lake. Photo: David Austwick.

A large new green

The Grange Area Trust has voluntarily registered Widmer Fields, near Hazlemere in Buckinghamshire, as a village green. This means that this open space is saved for ever and local people have rights of recreation here.

The trust, has been campaigning for more than 40 years to rescue the land which

Widmer Fields—new green.

was threatened with development. Five years ago it bought the fields and in 2013 it won our national Open Space Award for its work to save them for the public.

At 42 acres, this is one of the largest village greens in England, a significant achievement for the trust—and for us all.

Welsh open spaces

We have proposed that the Welsh Government should introduce a statutory designation for open space, to ensure that it is properly protected and can be enjoyed by local people.

We were responding to the consultation on changes to town and village green legislation in the Planning (Wales) Act 2015. The act restricts the opportunity to register such land where a planning application has been determined or where a development consent order has been made. Thanks to our campaigning the restriction on registering greens is less severe in Wales than it is in England.

However, the Welsh restriction is still significant and we have proposed that, in mitigation, there should be a new statutory designation for open space which would ensure land is protected and can be enjoyed by the public.

This chimes with the principles in the Wellbeing of Future Generations (Wales) Act 2015 that open space protection is crucial to the economy, health and well-being of Wales. The government should be seeking additional ways of protecting open space to meet these aims.

Planning Act commencement

We have urged the Welsh Government, in drafting the commencement order relating to greens in the Planning (Wales) Act, to ensure that applications for greens which have been submitted but not determined before the commencement date are not prejudiced by any previous planning consent. Such protection in England was contained in the Growth and Infrastructure Act 2013 section 16(5).

The Planning Act will also introduce new powers to enable landowners to deposit a statement with the local authority to declare that there is no right of recreational use on land. Any application for a green must then be made within two

Looking ahead

The society's trustees are beginning to prepare the next strategic plan which will run from 2019 to 2024. The intention is to develop our current plan, *Choosing Direction*, rather than start all over again. As a first step the trustees and staff are having a workshop in March, and in the summer we shall invite the wider membership to get involved. There will be more information in the summer issue of *Open Space* and at the AGM in July.

If in the meantime you would like to know more, please get in touch with the office.

years of the statement being deposited, an improvement on the position in England where the period is only one year.

Amble Braid green saved

Northumberland County Council has withdrawn its plan to deregister 4,400 square metres (just over one acre) of Amble Braid village green in order to create a car-park.

The society was among the objectors to the proposal which was to be determined by the Planning Inspectorate (PINS) on behalf of the environment secretary.

The society helped local people to register the much-loved Amble Braid as a village green in 2009. At that time there was the threat of a supermarket on the adjoining land.

The county council, which owns the land, applied under section 16 of the Commons Act 2006 to remove a strip from the heart of the village green for a car park and replace it with land to the north. Since people already enjoy recreation rights on the replacement land, they would have gained nothing and lost a great deal.

We were highly relieved to learn the council had withdrawn the plan, presumably because it realised it had a weak case.

Amble Braid. Photo: Terry Barton.

Battle of Knutsford Heath

A battle is brewing on Knutsford Heath in Cheshire East. TV chef Tom Kerridge plans to present 'Pub in the Park' (a posh-food festival) on Knutsford Heath common this September. We have censured the proposal because it would interfere with public access and deprive local people of the use of part of the heath for ten days.

The heath is at the heart of the town and, although it looks like a park, it is a common subject to special legal protections and to a public right of access for 'air and exercise' under section 193 of the Law of Property Act 1925. The owner, the Tatton Estate, appears to have ignored these rights.

Knutsford Heath.

Under the licensing conditions for the event, the organisers must enclose parts of the common and restrict access to them. Either this will unlawfully exclude public access, or the organisers will be in breach of their licence.

We have said that the organisers should seek the consent of the environment secretary to hold this event and ask him to make a limitation (similar to a by-law) which would allow them to restrict public access. This would enable the minister to test the balance of the public interest between retaining the heath as open parkland, and holding an event which may draw attendance from a wider area.

Until then, the organisers should abandon plans for the event, or move it to a more suitable site where public access would be welcomed rather than restricted.

The celebration at Poplar Farm Field. Mavis King is standing (in white coat) on the left-hand side of the stone. Photo: Miriam Lewis.

Popular Poplar Farm field

Twenty-five years ago our member Mavis King succeeded in getting Poplar Farm field and pond, at Wittersham in Kent, registered as a village green, VG235. The 1.5-acre site was threatened by developers, and Mavis saved it.

On 16 November 2017 Mavis unveiled a plaque, which was fixed to a three-ton boulder of Leicester granite, at a ceremony on the green. The chairman of the parish council, Jeremy Smith, pronounced that the land was safe for ever. The village primary-school children each tapped the boulder in recognition of this splendid legacy.

Greenspace mapping

Following our concerns about the misleading mapping of 'greenspace' by the Ordnance Survey (*OS* autumn 2017 page 8), we have corresponded with Minister of State for Universities, Science, Research and Innovation, Jo Johnson and his successor Sam Gyimah. The result is discouraging.

Sam Gyimah tells us that the sites included in the dataset are those that can be used by individuals for free or for a charge. This clearly does not meet the commitment in the Conservative Party's 2015 manifesto to provide 'free, comprehensive maps of all open-access greenspace'. We are told that there is a feedback tool and we shall ask for information on feedback in a year's time.

Spirit of Kinder 2018

You are invited to this year's event to celebrate the Kinder trespass, at the Friends Meeting House, 6 Mount Street, Manchester M2 5NS on Saturday 21 April, starting at 1pm.

Kate Ashbrook is speaking on the challenges for access over the next ten years. Other speakers are Keith Warrender on rambling in the 1930s and Jim Perrin on walking in UK and beyond. There will be singing, poetry readings and exhibitions to enjoy. Do come!

Greens in the London Plan

Our general secretary, Kate Ashbrook, was invited to join a panel of open spaces experts to advise the London Assembly planning committee on its response to the consultation on the London Plan. The plan, from the Mayor, Sadiq Khan, will be finalised in 2019 as the overall, long-term plan for London to 2041.

Kate urged the committee to advocate a

policy in the plan which exhorts the boroughs to protect their local green spaces by registering them as town greens, and where appropriate to require the dedication of town greens as mitigation for development. The committee was interested in this suggestion and has invited us to draft such a policy.

Protecting your data

In May 2018, the European Union's General Data Protection Regulation (GDPR) will become law in the UK. We take data protection very seriously and the enclosed letter to you as a member explains how the society will be complying with the new regulation. We shall also shortly publish our privacy policy on the OSS website.

Fighting the Finsbury festival

At the time of writing (mid-February) we are waiting to hear whether the challenge to the annual Wireless Festival on Finsbury Park in the London Borough of Haringey, will proceed.

The Friends of Finsbury Park, with the society as an intervener, lost its case in the court of appeal last November (*R on the application of the Friends of Finsbury Park* v *Haringey London Borough Council and others* [2017] EWCA Civ 1831). We have both applied for leave to appeal to the supreme court.

We are anxious to establish that local authorities, within and outside London, do not have unrestricted powers to exclude the public from parks and pleasure grounds in order to facilitate the holding of large-scale commercial events.

The question is whether section 145 of the Local Government Act 1972, which gives local authorities powers in relation to the provision of events on parks and pleasure grounds, is as broad as the council contends, or whether it has been misinterpreted. We shall explain this more fully when we know the outcome.

New venue needed

The Welsh Government is supposedly an advocate of sustainable transport. Why, then, did it insist on holding its biannual meetings of the Commons Act 2006 advisory group (of which we are a member) in Builth Wells, Powys? This is difficult to reach by public transport from much of Wales.

We have urged it to change venue and are pleased that officials are investigating a location which is more accessible by rail. ❐

Finsbury Park, threatened with the Wireless Festival. Photo: © Colin Kinnear, Creative Commons Licence

Path Issues

The signpost scandal

Fifty years on from the Countryside Act 1968 (page 4), which required local authorities to signpost a public path where it leaves a road, many paths still lack signposts.

The society and the Ramblers were responsible for winning the signposting provision which was enshrined in section 27 of the 1968 act. This states that a highway authority must erect and maintain a signpost where a public path leaves a metalled road. The signpost must show the status of the path (eg whether it is a footpath, bridleway or byway). If the authority considers it convenient and appropriate, the destination of the path and the distance to that destination may also be given.

Secret

Without a signpost a path can be a well-kept secret. Signposts give people the confidence to use and enjoy paths. Although most public paths are marked on Ordnance Survey maps, many people are deterred from using them when there is no indication of the route. In any case, paths can be closed or moved, making the maps out of date.

Missing signpost: Snettisham footpath 1 in Norfolk. Photo: Ian Witham.

After consulting our local correspondents and other activists, we have located missing signposts in Bedford, Cheshire East, Cornwall, Derbyshire, Dorset, East Sussex, Flintshire, Herefordshire, Milton Keynes and Norfolk—to name a few. Chris Smith, local correspondent in East Sussex, has even pointed out that there is a missing signpost on the footpath which runs through the grounds of county hall in

Missing signpost: Swarkestone footpath 4 in Derbyshire. Photo: Barry Thomas.

Missing signpost: footpath through County Hall car-park, Lewes, East Sussex. Photo: Chris Smith.

Lewes where the rights-of-way team is based.

We are considering what action we might take to ensure that this important piece of legislation is followed in its half-centenary year.

How it should be: signpost at Sydenham in Oxfordshire.

City of Culture?

For the last 35 years Coventry's surveying authority has had a duty to prepare a definitive map and statement. But if you look at the Ordnance Survey map for Coventry, you will not find many public paths. Our local correspondent John Hall reckons that the map has 271 rights of way marked on it, a tiny fraction of the 2,950 probable ways which should be recorded.

One such is a long-established, well-used path known as the Black Pad. It runs between Blackwatch and Endemere Roads, two areas of the city which are severed by a railway line. The path saves pedestrians from having to walk along noisy, busy roads. The path has been in the council's backlog for well over ten years. There are 114 outstanding applications for the addition of paths to the map, and another 100 which have been approved and merely await a legal event order.

Coventry is to be City of Culture in 2021—but a huge chunk of its culture is missing from the map. It should aim to get everything sorted by then. If it does not, some paths may be extinguished in 2026 by the Countryside and Rights of Way Act 2000.

The Black Pad path should be on the definitive map. Photo: John Hall.

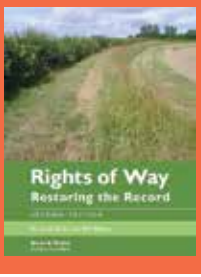
Preparing for 2026

With the British Horse Society and Ramblers, we continue to organise training by experts Sarah Bucks and Phil Wadey on how to apply for the addition of historic, unrecorded routes to the definitive map. Watch our website for details of future courses. ❐

Now out! *Restoring the Record*, second edition

The second edition of this invaluable guide by Sarah Bucks and Phil Wadey covers how to identify routes, the key sources of evidence of historic ways, where that information is located and what it can tell us, and how to adopt a systematic-research method.

It is available to *oss* members at a discounted price of £27 including p&p: please refer to *oss* when ordering. For further details, or to order, visit *http://www.restoringtherecord.org.uk.*



Reviews

Whispers of better things by Duncan Mackay (Two Rivers Press, £12).

Subtitled 'Green belts to National Trust: how the Hill family changed our world', this book explores not only the achievements of one of our early activists, Octavia Hill (1838-1912), but also those of her family. As Fiona Reynolds comments in the foreword: Octavia's 'large family, close friends and the people with whom she worked and on whom she leaned have remained somewhat shadowy figures'.

Shadows

Duncan brings them out of the shadows, describing each family member in turn and their friendships with other notable Victorian figures. We can trace the development of the open-spaces movement, the National Trust and Miranda Hill's society for the Diffusion of Beauty which became the Kyrle Society. Octavia's sisters tend to be overlooked but (with many of her half-siblings—there were 12 in the family) they were a force to be reckoned with.

Duncan looks to the future, taking Octavia's dream of green spaces for all a step further with the concept of new commons, although he is somewhat optimistic in thinking that many benevolent landowners, local authorities and developers will devote more land for the people. But it is a great ambition, and after Octavia's own heart.

London National Park City map and atlas (details at *http://www.nationalparkcity.london/map*) is at a scale of 1 inch to the mile. It is nicely produced with a mass of information, but it is also quite hard to discern the different land-use types. Long-distance paths, such as the Thames Path, London Loop and Capital Ring, stand out clearly in pink.

This is a useful campaign tool as it shows that there are countless patches of green in London (many of them accessible) which is why it merits the accolade of 'national park city'.

Walking in London: park, heath and waterside by Peter Aylmer (Cicerone, £12.95). This neat book of 25 walks reinforces the national park theme, demonstrating that there is countryside not only on London's doorstep but also in its heart.

Dartmoor, a wild and wondrous region, the portrayal of Dartmoor in Art, 1750-1920 by Peter F Mason (Dartmoor National Park visitor centres, £9.95) accompanies an exhibition at the Royal Albert Memorial Museum in Exeter (until 1 April).

With high-quality illustrations from the exhibition, the book explains how Dartmoor was shunned until the mid-eighteenth-century (William Camden called it '*squallida Montana Dertmore*'). When tours of Europe were halted by the French Revolution and Napoleonic Wars, British artists turned to the splendid landscapes including the Lake District, Wales, Scotland and Dartmoor.

There were many Devon-based artists too, such as John Swete, Francis Towne and the almost-forgotten John Gendall.

Since a significant area of Dartmoor is common land, the book features many paintings of the Dartmoor commons. **KA**

Special resolution at our AGM on Thursday 5 July 2018 at 11 am Friends House, 173 Euston Road, London NW1 2BJ

The trustees hereby give formal notice of a special resolution to amend our articles of association, to be presented to the AGM on 5 July. The resolution must be agreed by at least 75 per cent of the members present and voting at the AGM. It is:

To replace article 9.7 in the articles of association with the following words:

a. For the election of Trustees, voting shall be by ballot.

b. For all other matters, voting at a general meeting shall be by show of hands unless a ballot of those present is demanded by either the person presiding at the meeting or by any six Members who are present. In the case of equality of votes the person presiding shall have a second or casting vote.

Article 9.7 currently states:

Voting at a general meeting shall be by show of hands unless a ballot of those present is demanded by either the person presiding at the meeting or by any six Members who are present. In the case of equality of votes the person presiding shall have a second or casting vote.

Explanation: the trustees recommend that the society should adopt best-practice guidelines when voting for trustees. Election by ballot ensures that members can vote confidently and privately, without pressure. This also enables the preferences of those members who vote by proxy, because they cannot attend the AGM, to be included.

Do come to our AGM

You will have the opportunity to meet trustees, staff and other members, to hear about our projects and future plans—and to have your say.

If you would like to submit a motion to the AGM, it must reach us, bearing your signature, by midnight on Wednesday 23 May.

We are looking for new trustees. 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 23 May. Candidates must have been individual members of the society since 23 May 2017. 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.*

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.

Subscription rates

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

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

National organisations; district and borough councils: £165.

County councils and unitary authorities: £385.

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Registered charity number 1144840

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£4