

# Open Space

Spring 2021

Vol 32 No 10



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 Open  
Spaces  
*Society*

Campaigning since  
**1865**

# Open Space

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## Cover story

Dyke Hills, the scheduled Iron Age settlement at Dorchester on Thames, Oxfordshire. Louise Aukland (left) and Becky Waller (right) submitted an application for this to be registered as a village green when the previous landowner threatened people's access. The new landowner, Keith Ives (centre), has since agreed voluntarily to register the land so that local people can enjoy it once more: a wonderful outcome (see page 4).



## More take than give

**Step by step our cherished planning system is being destroyed. Last year we slated the government's white paper, *Planning for the Future*. Now government intends to extend permitted development rights.**

This would mean that schools, colleges, and hospitals can be extended without planning consent—threatening open spaces, and slashing local democracy and public participation.

A coalition of planning professionals and countryside, wildlife, and heritage groups, including the society, is promoting a *Vision for Planning*. Among much else this manifesto proposes the protection and enhancement of open spaces, by ensuring that everyone has one within five minutes' walk of home, making it easier to designate 'local green spaces', and strengthening the protective measures which apply to them (see page 8).

### Opposite

But it is likely that the government will do the opposite for the local green space designation. It proposes to review the *National Planning Policy Framework* which, in 2012, introduced local green space. This was intended to pacify opponents of the law which had made it difficult to register land as a green (eg because it was threatened by development). Local green space is designated through neighbourhood and local plans, but such plans—and therefore spaces—are at risk in this new world of minimal community involvement.

This is why we urge ever more strongly that people encourage landowning local authorities, including parish and community councils, voluntarily to register their land as town or village green—looking to the examples set in Scorton in North Yorkshire and Henley-on-Thames in Oxfordshire (see page 11). And we should press for registration to improve a development (as secured by us at Witney in Oxfordshire, page 12).

The alternative, which is more work, is for communities to identify now—before it is threatened—any land which has been enjoyed for 20 years' informal use without challenge or interruption, and is thus eligible for registration as a green.

### Measure

Worryingly, even greens registration may not be quite the strong measure we had believed. The supreme court has ruled that the landowner's use of a working port at Mistley in Essex, which has happily been registered as a green, may continue despite registration.

The court said that the protective legislation (the Inclosure Act 1857 and the Commons Act 1876) does not criminalise those activities and that public use must rely on 'give and take'.

As a result, we fear that we shall in future see more take than give on greens—but registration is still the best option in the face of government's determination to destroy the planning system, and with it our open spaces.

**KJA**

# Lost commons found

At the end of 2020 the door closed on lost commons applications in parts of England. This is what we did.

**Our commons re-registration officer, Frances Kerner, assisted by Landman Consultants, Tomas Hill in Cornwall, and case officer Hugh Craddock, worked strenuously to research, prepare and submit applications before the deadline. The result was a total of 78 applications covering 4,211 hectares (15.4 square miles).**

The seven 'pioneer' areas to which the deadline applied are Blackburn with Darwen, Cornwall, Devon, Herefordshire, Hertfordshire, Kent, and Lancashire. The opportunity for registration remains in Cumbria and North Yorkshire (to 15 March 2027) and in Wales (to 4 May 2032). However, the Commons Act 2006 part 1, which sets out the process for re-registration, has not been applied to other parts of England and, despite strong lobbying from the society, is unlikely to be extended in the foreseeable future.

## Revisit

The Commons Act 2006 provides the opportunity to revisit land that either was provisionally registered under the Commons Registration Act 1965 (the 1965 act) but which was not finally registered, or that is otherwise statutorily recognised as common land. The relevant provisions are in schedule 2, paragraphs 2, 3 and 4.

Paragraph 2 allows for the registration of land that was not registered as common under the 1965 act but which is regulated under an earlier act or scheme of management; paragraph 3 enables village greens that were awarded under an inclosure award to be registered. To find

these commons and greens is largely a desk exercise.

Paragraph 4 on the other hand is concerned with waste land of a manor provisionally registered under the 1965 act but subsequently cancelled so that it did not become finally registered. For this land it is necessary to show that it is still 'open, uncultivated and unenclosed', and therefore it is necessary to investigate on site, as well as to show that it is manorial in origin.

The numbers and areas of our applications are set out below.

Registration Authority	No	Hectares
Cornwall	37	627.4
Cumbria	1	0.4
Devon	14	2,753.5
Herefordshire	2	3.4
Hertfordshire	17	44.5
Kent	4	5.1
Lancashire	3	776.9
<b>Total</b>	<b>78</b>	<b>4,211.2</b>

Of the 78 applications submitted since May 2018, 12 covering 12 hectares have been determined, and all have been successful in whole or in part. By registering these precious spaces as common, we win the right to walk there (under the Countryside and Rights of Way Act 2000, section 2) or, if the land is in a former urban district, the right to walk and ride, under section 193 of the Law of Property Act 1925. Also, the land is protected from encroachment and development.

Our work on this was severely hampered by the closure of the record offices during





*Land at Berkhamsted Common in Hertfordshire (0.17 hectares) which we have succeeded in re-registering.*

lockdowns and the difficulties in making site visits owing to the pandemic. Despite these obstacles, the environment minister, Lord Gardiner, lamentably refused to extend the registration period and so we had to make the best applications we could without being able to research them fully. It should be possible later to supplement the evidence for our applications if necessary.

Not surprisingly the press wants to know the location of the land for which we have applied. Unfortunately, we cannot publish this yet. We must wait until the commons registration authorities have processed the applications (which could take weeks or even months), and have issued notices and informed landowners and occupiers.

### **Provisionally**

However, all our application land under paragraph 4 was provisionally registered under the Commons Registration Act 1965 and was subsequently cancelled, and at the time of our application it was still 'open, uncultivated and unenclosed'.

We can of course reveal the location of our 12 successful applications. Seven are in Cornwall (Maenporth Beach at Falmouth; Cosgarne Common near Chacewater; Viscar Common in Wendron; Lowertown Moor near Luxulyan; Carn Brea and Carn Marth near Redruth, and

Carrine Common near Truro). Four in Hertfordshire (three on Batchworth Heath at Rickmansworth, and one on Berkhamsted Common), and one in Cumbria (Goose Holme in Kendal, covered by the River Kent).

Eight of these 12 commons, totalling 12 hectares, have riding rights. In addition, the remaining applications include 11 with potential riding rights, covering 49 hectares.

We are indebted to the many volunteers who rushed out at short notice to check and photograph our candidate sites. We are also enormously grateful for the legacy from our member the late Jack Candy which has funded this vital work. This enabled us to employ extra researchers at Landman towards the end of last year to ensure that we could submit an application for every site which we considered to be eligible.

Over the coming year we shall be responding to representations on the applications we have submitted, including further archival research when circumstances permit.

We have also begun work in Cumbria, North Yorkshire and Wales, identifying potential candidates for further research. We can be certain that we shall be kept busy on this for many years to come. □

*Viscar Common (0.43 hectares) at Wendron in Cornwall, now registered.*



# Deliverance at Dorchester

After a feisty campaign, residents of Dorchester on Thames celebrate new greens and paths.

**Four years ago we wrote in *Open Space* (spring 2017) of the campaign by residents of Dorchester on Thames in Oxfordshire, backed by the society, against fencing which blocked access to paths and spaces.**

In 2016, Mr Andrew Reid bought Bishop's Court Farm in Dorchester and erected barbed-wire fencing between Dorchester and the River Thames. This prevented access to an unrecorded path over the water meadows, and the use and enjoyment of open spaces.

Local people were outraged. Led by the knowledgeable and effective Becky Waller, they formed the Friends of Dorchester and Little Wittenham Open Spaces, and organised public meetings at which we spoke.

With our help, the group prepared applications to Oxfordshire County Council to record the non-definitive path and greater widths for existing paths which had been fenced in. They also applied for two areas of popular open space to be registered as village greens: Day's Lock Meadow by the river and

Dyke Hills, the site of a scheduled Iron Age settlement. They provided evidence of more than 20 years' unchallenged use—kicking balls, flying kites, tobogganing, and swimming in the river.

With limited staff Oxfordshire County Council made little progress with these applications, although Becky kept up the pressure. And then, in spring 2020, Mr Reid sold the farm to Mr Keith Ives, who has lived in the village for 25 years and has a strong sense of community.

He swiftly reopened Day's Lock Meadow, and has agreed voluntarily to register the meadow and Dyke Hills as village greens. He has removed the fences which were restricting the widths of paths, and is willing for those full widths, and the unrecorded route, to be added to the definitive map. The parish council and local people are helping with the costs of restoration of the land.

The society is proud to have helped save people's access to this unique prehistoric landscape, and we congratulate the residents for their perseverance and determination. □

*Left: fences encroached on the used width of the footpath (2017). Right: the fences in the process of being moved back to provide greater width (2020).*





## Knowle inconvenience

*The area of public space adjoining the long-closed toilet block at Knowle Green, Solihull, may not be particularly attractive, but it has served as a test case for the society on the processes for stopping up a highway under section 247 of the Town and Country Planning Act 1990 (the 1990 act).*

Solihull Metropolitan Borough Council, on 29 April 2019, granted planning permission to Mr Darren Skinner for 'change of use of former public toilets and bus shelter with single-storey rear extension to A2 use [ie for financial or professional services] with detached bus shelter'.

The building to which the permission relates is on an island of about 500 square metres, at the junction of Station Road and the High Street in Knowle, a village about three miles south-east of Solihull. The council has freehold title to this part of the highway land at the junction.

## Stop up

An application subsequently was made by Highbury Design, on behalf of Mr Skinner, to the Secretary of State for Transport, to stop up highway rights over the land comprised in the planning permission (about 135 square metres).

It was assumed, probably correctly, that the public conveniences originally had been built using highway-authority powers, and therefore that the land was and remained highway but subject to the right of the authority to maintain the building for use as a public convenience.

The National Transport Casework Team (NTCT) gave notice of the secretary of

state's intention to make a stopping-up order under section 247 of the 1990 act.

Our local correspondent, Richard Lloyd, and the Campaign to Protect Rural England Warwickshire objected to the order. Richard's objection was on the grounds that the merits were against stopping up part of the land comprised in the order. We had no objection to the proposed conversion of the long-closed toilet block to another use, but we did object to the loss of public space adjoining the block.

Moreover, Richard was concerned that, although the planning permission appeared to envisage continuing access to an external public bench built into the rear of the building, the stopping-up order would remove it from the public domain.

## Refused

The NTCT initially refused to consider Richard's objection as valid but gave way in response to an intervention from our case officer, Hugh Craddock, who pointed out that s247 imposes no grounds for making an objection. Therefore even if an objection might be considered to be irrelevant or frivolous (and Richard's was neither), it is still a valid objection.

The NTCT then refused to convene a local inquiry, despite s252(4)(a) of the 1990 act which, with s252(5), provides that the secretary of state must hold a local inquiry unless 'satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary...'. The NTCT said that the 'special circumstances' were that 'the development proposal associated with this application has already been



*Knowle Green bus shelter seen from the west. It was proposed to stop up the area in front of the shelter. Photo: Richard Lloyd.*

considered in a public forum via the process undertaken by the local planning authority’.

But these are not ‘special circumstances’, they are normal: almost every planning permission giving rise to a s247 order has originated from a public process. Furthermore, in this case, the decision had been taken by officers acting under delegation, so there had been no public debate in committee or otherwise.

### **Substance**

The secretary of state decided to make the order in a letter of 23 October 2020. He failed to consider the substance of Richard’s objection, that the full extent of the stopping-up was not justified and that part of the land referred to in the planning permission could be retained as highway land without prejudice to the developer’s ambitions.

In view of these failures, we obtained an opinion from Ned Westaway of counsel on the chances of success of a statutory challenge. His opinion was favourable, and we proceeded with a pre-action

protocol letter. We had to demonstrate that our interests had been substantially prejudiced in consequence of the procedural irregularity, ie the failure to hold a public inquiry or to consider Richard’s objections properly.

We were pleased that the Government Legal Department consented to judgment. It accepted that the secretary of state failed adequately to consider whether it was necessary to stop up the entirety of the land, and that this error may have affected the decision on whether or not to hold a public inquiry. This means that the NTCT will reconsider whether to convene an inquiry and whether to make (ie confirm) the order, and we can reclaim more than half our costs.

We intend to approach the NTCT to discuss its attitude in general terms and to ask for a local inquiry in this case. We trust that the effect of our challenge will be to ensure that the Secretary of State for Transport will be more careful and rigorous in future when considering opposed section 247 orders. □





## Access after Brexit

**The society with other organisations is fighting to place public access at the heart of agricultural funding post Brexit, and to make access a target in the Environment Bill.**

The Agriculture Act received royal assent on 11 November 2020. It enables the Secretary of State for Environment, Food and Rural Affairs to fund public access to and enjoyment of the countryside, and better understanding of the environment. But what will this mean in practice?

In November environment minister George Eustice announced that environmental land management will consist of three components: the sustainable farming incentive which will support environmental approaches to farm husbandry; local nature recovery which will pay for the creation, management or restoration of habitats; and landscape recovery which will focus on large-scale projects to restore woodland, forests, peatland, wetlands and other landscapes.

*Farmers could be rewarded for keeping paths uncultivated: Colwall footpath 28 in Herefordshire.*



We argue that public access must be an integral part of all the funding regimes. We advocate strong, effective enforcement so that if farmers or landowners abuse a path or deny lawful access on their land their money is withdrawn; this should encourage them to obey the law and reduce the burden on hard-pressed highway authorities.

The Department for Environment, Food and Rural Affairs is undertaking 'tests and trials' to determine how agricultural funding can be used to support public goods. We are dismayed to discover that, of 72 tests and trials, probably only three are targeted at public access.

### Delayed

Although the Environment Bill is a crucial measure to combat the climate crisis and to meet the aims of the government's 25-year environment plan, the government has delayed it yet again. It will not be concluded until the autumn.

The bill establishes the Office for Environmental Protection, an independent regulator which will hold government to account, and provides for targets, plans, and policies aimed at improving the natural environment.

We have supported amendments promoted by the Ramblers and others. These require the government to set legally-binding, long-term targets to increase public access to the natural environment, and to take steps to improve people's enjoyment of nature, in its environmental improvement plan (which will be created under the bill). Common sense one would think, but the amendments were rejected at report stage. We shall revive them when the bill returns to parliament.



## Fence on historic landscape

With the Cambrian Mountains Society, Ramblers, the Campaign to Protect Rural Wales, and others we have objected to an application for a fence, over 1,500 metres long, across the expansive Rhos Gelli Gron Common, near Tregaron in Ceredigion. The Caron Estate applied for the fencing under section 38 of the Commons Act 2006.

The public has the right to walk over the whole common, which is crossed by bridleways. The fence, topped with barbed wire, would have only three crossing-points, one on each side of the common where it crosses one of the bridleways, and one in the middle.

The common is a recognised historic landscape. The Dyfed Archaeological Trust explains that the area contains abandoned farms and that it 'has been for at least the last few centuries unenclosed'. The recorded archaeology here is 'rich and varied'. The estate claims that the fencing would not interfere with the archaeology, but of course it would enclose the land and



Cairn on Rhos Gelli Gron Common.  
Photo: Peter Foulkes.

impair the ancient landscape and the setting of the antiquities.

The estate says that the fence would enable it to manage the grazing, but we respond that the whole point is that rightholders graze them in common, with their animals staying within their *cynefin* (heft), without the need for physical boundaries. The grazing management should be altered to suit the common, not the other way round.

## Destruction by stealth

Last year we responded to the government's disastrous planning white paper, *Planning for the Future* (OS autumn 2020 page 7). We condemned its failure to offer statutory protection to open spaces, and its restriction of community involvement with a severe loss of democracy. Since then, things have got worse: the government is destroying the planning system piecemeal (see page 1 above).

The latest proposal is to extend permitted development rights. The society with 15 other national organisations has written to Robert Jenrick, Secretary of State for Housing, Communities and Local Government, denouncing this further loss of democracy.

We were one of 18 organisations, representing housing, planning, transport, environment, heritage, and public health interests, to produce an alternative to the government's plans: *Vision for Planning* (<https://bit.ly/3qxZCtT>). Our case officer Nicola Hodgson contributed significantly to this.

With local elections in May there is an opportunity to lobby candidates to defend

the planning system, and to try to reverse the government's egregious proposals to abolish rules which have served us so well for 74 years.

### Welsh commons swaps

Last year we opposed two almost identical applications from the Duke of Beaufort's Somerset Estate for the exchange of part of Clyne Common, near Swansea. Both were withdrawn (OS summer 2020 page 11).

Prompted by this abuse of the process whereby, instead of consulting interested parties, the estate wasted the time of objectors and the Planning Inspectorate, we wrote to the Welsh government's Minister for Environment, Energy and Rural Affairs, Lesley Griffiths; we asked her to introduce a fee for applicants who want to swap areas of common land.

The process is ruled by section 16 of the Commons Act 2006 which requires that, in all but the smallest cases, alternative land must be given in substitution. Such applications invariably are made to benefit private interests. Accordingly, we believe that the applicant should be required to pay a fee to cover the administrative costs to the Planning Inspectorate of processing an application. (In England there is a fee of £4,900.)

Unfortunately, the minister declined to consider any change in the law, but we shall pursue this through the Welsh Commons Act 2006 Advisory Group, of which we are a member.

### Local councils make greens

Scorton Parish Council in North Yorkshire has registered its own land as a village green.

The site adjoins the existing Jubilee Green which was registered two years ago. The parish council acquired the land after many years of legal argument; it then voluntarily registered it as a green with North Yorkshire County Council.



*New green at Scorton.*

Our member, the Friends of Freemans Meadow in Henley-on-Thames, Oxfordshire, has persuaded the town council to dedicate the 1.2-hectare meadow as a town green.



*Freemans Meadow. Photo © N Chadwick, Creative Commons Licence.*

The council, which is also a member of the society, has owned the land since 1955 and in 2019 it refurbished the playground and planted an orchard and wildflowers.

In 2010 the council dedicated Gillott's Field as a green. The society provided guidance in both cases.

Once land is registered as a green it is protected from development and local people have rights of recreation there. We congratulate both councils for providing permanent assets for their communities—and we encourage others to do likewise.



*Left: blue flags mark the definitive route of Witney footpath 40 which was obstructed by this and other houses in 2016. Right: in return for withdrawing our objection to the footpath diversion, we won this green and a new path.*

### **Green and path: a winning deal**

New greens can also be used as bargaining chips, as the society has successfully demonstrated in Witney, west Oxfordshire.

Here we have won both a new town green and a public footpath, on land at Coral Springs, between Thorney Leys and the A40, which four years ago was developed by Richmond Care Villages (RCV) a part of BUPA.

In building an estate of retirement homes RCV illegally blocked a public footpath by constructing one of its new houses across it (see photo above). Belatedly RCV applied to move the path, but our local correspondent Chris Hall objected, because it was an important route between Witney and open countryside to the south, and the proposed diversion was longer and less pleasant.

The objection would have halted the development by some months, costing the builders time and money. The society used this as a lever to persuade RCV to dedicate a new path through the estate, and a new town green. In return, we withdrew our objection to the path diversion.

Witney people now have the right to

enjoy the 2.5-acre undulating green for informal recreation. The new path, which runs north-south across the site, forms a pedestrian route between Thorney Leys and the countryside south of the A40.

### **EU protection for commons**

A series of European Union directives set out the process whereby, if a development proposal is likely to have a significant effect on the environment, it must be assessed to determine whether its impact demands an environmental

### **Our lockdown appeal**

We have so far raised an amazing £16,534 for our 'Saving our lockdown spaces' appeal. Thank you so much for your generosity which will enable us to step up our campaign to save these invaluable open spaces in the face of myriad pressures.

impact assessment (EIA). If the project exceeds certain thresholds (for instance, if it involves more than two kilometres of fencing in a national park or area of outstanding natural beauty) it must be assessed.

In 2017 the Westminster government applied the EIA regulations to common land. However, Defra has never



explained whether EIA assessment comes before or after the determination of applications for works on common land.

Now, at the last minute before Brexit was completed, the Welsh government too has amended its regulations to apply the EIA requirements to common land. It too has failed so far to spell out the sequence for works on commons. We have said to Defra (without success), and will say to the Welsh government, that applicants should clear the screening process before applying for consent for works, so as not to waste time on an application which fails the EIA test. Perhaps we shall have more success in Wales.

### No place for museum

We have objected to a planning application on a common at Mynydd Bodrochwyn, Llanfair Talhaiarn, five miles south of Abergele in Conwy county.

Norman Frost's application is for a museum and car-park. Mr Frost has ignored the fact that this is a registered common for which he must provide suitable exchange land and obtain the environment minister's consent. Moreover, the plans failed to show that the site is crossed by a public footpath which would have to be diverted.

Naturally we pointed out these errors, and urged Conwy Council to reject the application which would be an eyesore as

*The development site looking north from Mynydd Bodran.*



*View from the south, to show how the museum would appear in the landscape, well as interfering with public rights.*

Unfortunately, the council granted consent, while making it clear that the common-land and path issues must first be resolved.

With the North Wales Ramblers we have objected to a proposal to divert the path, but have yet to hear what the plans are for the common.

### Countryside code update

We are contributing to Natural England's review of the countryside code, which was last revised 20 years ago. This is particularly timely given the influx of visitors to the countryside as a result of Covid-19.

In updating the code it is as important to modernise the methods of communication as it is to get the words right.



## Roman road scorned

**We have objected to the cavalier treatment of the North Downs Way National Trail in the development of the 'White Cliffs Inland Border Facility' depot, north of Dover in Kent.**

The depot is for the post-Brexit inspection of cross-Channel freight. The Department for Transport (DfT) wants to shove the ancient way onto a circuitous route around the development for five years. The way follows a largely north-south route and part of it is named on the Ordnance Survey map as Roman Road.



*The current route of the North Downs Way, already a mudbath. Photo: Andrew Swarbrick.*

Backing the objection from the White Cliffs Ramblers group, we have deplored the lack of consideration which has been given to the existence of this route, and argued that the DfT should have consulted user bodies about this proposal instead of presenting a *fait accompli*.

## Welsh access reforms

The society is represented on the three expert groups advising the Welsh government on access reforms. Group 1 is investigating the extension of rights on existing access land (including water) which is mapped under the Countryside

and Rights of Way Act 2000, and the creation of new access land in coastal areas. Group 2 is considering how to extend the right to ride or cycle on public footpaths, and temporary restrictions on public paths. Group 3 is looking at the provision of an integrated map of, and plans for, public access in Wales. We are also on a group addressing themes which cut across all three reform areas.

After several online sessions we were asked to state our preferred option for each reform. This was difficult because it should not be a Manichean choice. In many cases we wanted (but could not express) caveats when voting.

The groups will have a chance to comment on the draft access reform report which will be sent to ministers at the end of April. The final plan will be published in June—probably after the Senedd elections.

## Stakeholder working group

The stakeholder working group on unrecorded paths in England moves more slowly. It met last October for the first time in two years. The Defra official appointed in 2020 to lead the project has already moved on and will not be replaced until March. There are numerous issues to resolve before the Deregulation Act can be brought into force; yet the cut-off for claiming historic routes is less than five years away.

With these severe delays, and the closure of the archives which are essential for research, the argument for postponing the cut-off is stronger than ever. Government can extend it by five years by regulation and we are urging it to do so.

## Wrong place for solar

Our Hampshire local correspondent Dave Ramm has objected to a planning application from Anesco Ltd for solar panels on one of the loveliest spots on the Three Castles Path, a route which he devised 30 years ago between Windsor and Winchester.

The panels would occupy 22 hectares next to the public byway, at Godsfield Copse, four kilometres north of Old Alresford. There have been a large number of objections. Dave has been distributing flyers and winning local publicity, and we hope that Winchester City Council will reject the plan.



*Part of Dave's flyer.*

## Using the law

Jay Kynch, our local correspondent for Rhondda Cynon Taf (RCT), helped her friend Stephen Lindsay to reopen Llantrisant footpath 360 in Miskin.

The path runs in part along the Miskin Manor Hotel access road. In early May Stephen was stopped near the hotel by a security guard who said that the path was closed due to Covid-19 restrictions.

On 25 September, when coming the other way, he noticed that the gate had been blocked with padlocked metal fencing.

He asked RCT council to clear the obstruction. The council replied that it had requested the owners on a number of occasions to remove obstructions but the



*Obstructed gate on the footpath.*

owners had ignored its requests. As a result, it had served notice on them requiring them to remove the obstructions—but with no effect.

On 26 October Stephen returned. The security guard stopped him again, saying that the path was closed and that he was on private land. Stephen told him it was a public right of way and continued, albeit with some difficulty, along the path, which was obstructed with logs as well as the padlocked gate.

He contacted Jay Kynch who suggested that he start the process under section 130A of the Highways Act 1980 whereby a member of the public can require the highway authority to take action against certain types of illegal obstruction. In early November Stephen issued the local authority with form 1 (a notice of request to secure the removal of an obstruction).

The next time he visited, on 21 November, the locks and chains had been cut, the metal fencing removed from the gate, and the logs and branches cleared from the path. We are delighted that the process worked.

*We have recently published information sheets on our website advising on how to tackle impassable paths, and the use of sections 56 (highway out of repair) and 130A of the Highways Act 1980.*

## New local correspondents

We welcome Peter Pollak (Market Harborough District, Leicestershire), Helen Slade (Isle of Wight), Keith Yarwood (former North Dorset District) and Nicholas Whitsun-Jones (Teignbridge district, Devon) as local correspondents, bringing our total to an impressive 42—probably the most we have ever had. Further information about our new recruits is on our website.

## An ill wind

When North Yorkshire County Council approved the deregistration of common land at Skelding, 11 kms west of Ripon, we were disappointed, but there had been no grounds to oppose it. However, among the application papers we saw the inclosure awards and suspected there might be paths to be claimed.

We alerted our member John Sugden and he contacted Caroline Bradley, the British Horse Society's bridleways officer for North Yorkshire. As a result she has submitted applications for the

addition of three bridleways to the definitive map; these were awarded under the Skelding inclosure award.



*Notice erected by Staffordshire County Council in November 2019 on a footpath at Biddulph. Our local correspondent Harry Scott had submitted an application for the addition of this path to the definitive map in 2017. The council's principal rights-of-way officer said that he had put up the sign to deter people using the cul-de-sac route. But we argue that the council could not know it was a cul de sac before it has determined the application, and the sign is illegal.*

## Join our AGM

on Thursday 8 July 2021

at Friends House, 173 Euston Road, London NW1 2BJ

or by videoconference, time and details to be confirmed

At the time of writing we do not know if a face-to-face meeting will be possible, but in any case we shall hold our AGM on 8 July and, as a member, you will have an opportunity to take part.

If you would like to submit a motion to the AGM, it must reach us, bearing your signature, by midnight on Wednesday 26 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 26 May. Candidates must have been individual members of the society since 26 May 2020. In normal times trustees have met in London four times a year. Over the past year they have held shorter meetings every month by videoconference.

If you cannot attend the AGM you can vote by proxy. Details will be included with the next *Open Space*.

If you have any queries please contact our office manager, Sarah Hacking ([office1@oss.org.uk](mailto:office1@oss.org.uk)).



# Reviews



**The England Coast Path** by Stephen Neale (Bloomsbury, £18.99).

As the England coast path and adjoining access land near completion, this book reminds us of the long campaign to achieve them.

Suggestions for activities along the coast are interspersed with the experiences of Ramblers' campaigners for coastal access (many from Essex who led the way), the politicians who made it happen in law, and the Natural England staff who created it on the ground.

**Environmental Impact Assessment: appraising access** (Institute of Public Rights of Way and Access Management, pdf £10 from [iprow@iprow.co.uk](mailto:iprow@iprow.co.uk)).

This technical guide to the assessment of rights of way and access in the EIA process sets out the standards for investigation and best practice. This will be of value to rights-of-way and access officers, developers, interested parties and examining authorities.

**Walking Class Heroes: pioneers of the right to roam** by Roly Smith (Signal Books, £9.99—see inside back cover) describes the role of 20 individuals in securing greater access rights to the countryside. Many of them are, or were, involved in the Open Spaces Society (namely Octavia Hill, Tom Stephenson, Sylvia Sayer, John Bainbridge, and me). It's an enjoyable read.

**The Tunbridge Wells Circular Walk and other walks in the Tunbridge Wells area**, by Robert Peel (Kent Ramblers, £7.50 but only £6.00 inc p&p until the end of June 2021 if you mention

*Open Space*, from 15 Woodland Way, Petts Wood, Orpington, Kent BR5 1NB or [books@kentramblers.org.uk](mailto:books@kentramblers.org.uk)).

The book describes the 27.5-mile circular walk around Tunbridge Wells in four stages, each of which terminates at a public-transport connection. In addition

## Vera Lynn Way

Thanks to Graham Wanstall, our local correspondent in east Kent, a footpath leading to the White Cliffs of Dover will be named after the singer Vera Lynn. Dover District Council supports this and hopes to hold the naming ceremony on the anniversary of her death in June.

there are four link-routes, the spokes of the wheel, which connect the town centre with the circular walk. These are followed by six circular 'walks through time' based on Cranbrook which is about 15 miles to the east of Tunbridge Wells.

The book is packed with information about the geology and history of the area, local industries, families, and personalities. The maps and instructions are easy to follow. **KA**



*Groombridge Green.*

## Remembering Jo Rose-Wilkins

**Jo Rose-Wilkins, younger daughter of our late vice-president Pat Wilson, younger sister of former OSS trustee Hilary Hunt, and a member of the OSS, died suddenly last June, at the untimely age of 65.**

Jo grew up in the Wilson footpath-walking family culture of campaigning for unimpeded access to the countryside for everyone. She was born and lived her entire life in north-west Kent. A dedicated NHS physiotherapist for decades, she was a familiar face to hundreds of people around Meopham, Rochester, Chatham, and beyond.

From an early age, Jo developed a lifelong passion for horses and riding—an escape from family walks! We loved her story of how, aged about 12, when she had grown into riding a horse which was a jumper, the lure of a footpath stile was too much. She jumped it.

The farmer came to our house that evening to complain to my mother, the tireless path defender who lobbied local farmers to keep their paths open and safe. Seeing trouble coming up the front path, Jo ran away. But she forgot to take a torch, and crept home eventually, to find that our parents were far more worried about her safety than the farmer's ire.

### Roped in

Jo was one of the young people regularly roped in to help with events run by the Meopham footpath group (founded by our mother).

Kent readers of this magazine might know the beautiful Luddesdown valley. Forty years ago, the Ministry of Defence planned to turn this peaceful valley into a firing range, and the Luddesdown Action Group was urgently formed to fight this. There was a hard-fought public inquiry, the inspector rejected the proposal and the valley was saved.

When she retired, Jo started walking with the Luddesdown and District Rights of Way Group. A year before she died, in the group's fiftieth anniversary year, Jo became its chair.

Luddesdown was the special place Jo loved to take her small grandchildren to find wildflowers and bugs.

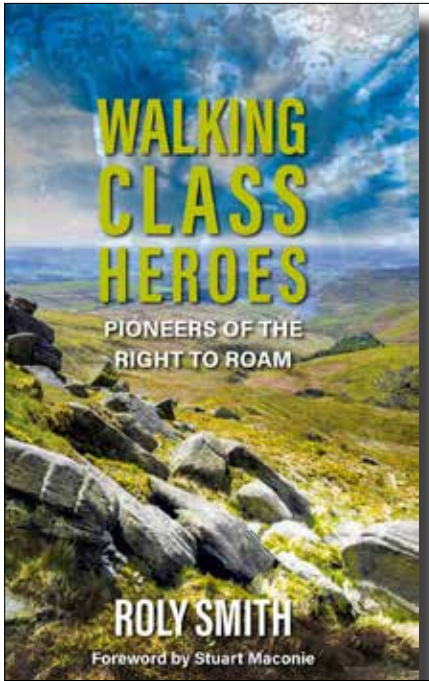
Group colleagues and friends remember her with great affection, in particular her talent for including and appreciating everyone. The Wednesday walks followed by a pub lunch were a feature of many members' weeks. Jo encouraged people to carry secateurs, to keep paths clear as they walked. Last spring she went out with committee members, socially-distanced, to recce for clearing again. She is greatly missed by family and friends.

### Hilary Hunt

*The OSS thanks Jo's relatives and friends who donated so generously to the OSS in her memory.*



*Jo, enjoying the poppies of the Luddesdown valley two days before she died.*



*Out Now!*

## **Walking Class Heroes**

*Pioneers of the Right to Roam*

**Roly Smith**

Foreword by Stuart Maconie

“ This is a good addition to the canon of works about the access movement. It has a refreshing new approach which, after a scholarly introductory essay about the history and politics of this important subject – public

access to mountain, moorland, heathland, coast and uncultivated land in general – then gives us an incisive chapter each on twenty selected individuals whose lives have been spent in the cause...

Well-written and full of interest and with plenty of insightful anecdotes, this welcome book merits a wide circulation. ”

— *Walk*, Magazine of the Ramblers

152 pages, 40 b&w photos

ISBN 9781909930902 / £9.99 paperback



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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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