

Open Space

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- Commons exploitation

Campaigning since
1865

Open Space

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Cover story

Complete with banners and placards, the 1,000-strong crowd reaches the top of Smithills Dean Road, Bolton, in celebration of the 125th anniversary of the Winter Hill mass trespass. The walkers retraced the steps of the brave trespassers who broke down obstructions on 6 September 1896 in order to assert their right of passage (see page 7). Photo: Julia Uttley.



People power

So often success depends on the power of people coming together—a common thread in this issue of *Open Space*.

Whether they are saving Bristol's downs from car-parking, protecting London's commons from commercial exploitation, or winning access to Worthing's hinterland, the campaigning clout of local people is fundamental. And it always has been—witness the mass trespasses on Bolton's Winter Hill (1896) and Kinder Scout (1932), and the rescue of Nottingham's green spaces in 1845.

This power is what the government and its home secretary, Priti Patel, intend to curtail. The Police, Crime, Sentencing and Courts Bill, currently in parliament, aims to outlaw peaceful protest as well as to extend criminal trespass.

The government's planning reforms were set to reduce community involvement, until they were hastily ditched after they interfered with a Tory win in the Chesham and Amersham by-election. However, we are not optimistic that new proposals will be better.

Curtail

Even when it is not actively silencing protesters and bypassing communities, the government shows no interest in public access. This despite the promises in its 25-year environment plan of 2018, to make sure that our natural environment 'can be enjoyed, used by and cared for by everyone', and that there should be 'high-quality, accessible, natural spaces close to where people live and work'.

While Natural England quietly and commendably rolls out the England Coast Path with its adjoining land, ministers turn their backs on payments for paths in the new environmental land management schemes (ELMS). They have abandoned their assurances, given during the passage of the Agriculture Bill, that ELMS would fund more and better access.

Snubbed

Moreover, the enforcement measures for agricultural payments should penalise path-blocking landowners, and lighten the load of hard-pressed highway authorities, but again there is silence. Instead national government has snubbed local government by deleting it from the title of the department which oversees it—now the department of levelling-up, housing and communities.

More than two years ago, the government's Glover report on protected landscapes made powerful and far-sighted recommendations. These include new long-term programmes to increase the ethnic diversity of visitors, and freedom-to-roam rights—but still no official response.

Mark Gorman's book (page 16) describes how, 150 years ago, people power saved many of London's open spaces. We need to revive that spirit with a mass movement for public access, to protect what we have and to create new rights and freedoms, for our health and well-being in troubled times. **KJA**

Stepping-stones celebrated

Seventy-five years ago, the stepping-stones across the River Mole in Surrey were restored following war damage.

On 11 September 1946 the prime minister Clement Attlee reopened the stepping-stones across the River Mole at Burford Bridge, Westhumble, near Dorking in Surrey. The land is owned by the National Trust and the stones are now part of the North Downs Way national trail.

The stones (grid reference TQ172512) were replaced by James Chuter Ede, then home secretary and a member of the Open Spaces Society's executive committee, shortly to become the society's vice-president and then president (see reviews, page 15).

Chuter Ede was born in Epsom, Surrey, and served on Surrey County Council before becoming MP for Mitcham and later South Shields in the North East. Surrey remained dear to his heart. The stepping-stones, close to his route to Dorking High School, had been damaged during the war. He encouraged Dorking Urban District Council to reinstate them, and the council passed the estimate for the initial work to Chuter Ede.



The stepping-stones in 1932, before the war damage. OSS lantern slides.

So Chuter Ede paid the sum of £156, 19s 6d (more than £6,000 in today's money), although it was 'considerably higher than I expected', in thanks for what Dorking had done for him in his boyhood.

On his 64th birthday, 11 September 1946, he invited the prime minister to reopen the stones. There was a small ceremony



The stones today.

at which the participants were Attlee and his wife, the school's headmaster, London's Lord Mayor Sir Charles Davis, Sir Lawrence Chubb (the society's secretary), and others.

The group crossed on the stones. There were photographs in the press, and the *Surrey Advertiser* explained that the PM 'stepped out resolutely, but Mrs Attlee appeared nervous of the quickly running water ... Mr Ede was the next to cross, followed by the Lord Mayor ... All made the crossing without mishap'. The river had been particularly high of late, but fortunately subsided just in time.

Later, toasts were drunk, and speeches made, at the Railway Arms (now the Stepping Stones) pub at Westhumble. □

Taking action



Commercial commons

Local authorities in south London, keen on exploiting their commons and open spaces, are facing stiff opposition from local campaigners, writes our local correspondent for Lambeth and Wandsworth, Jeremy Clyne.

Clapham Common has become a battleground because of Lambeth Council's misuse of a large area, known as the 'events site'. This is closed to the public for weeks to accommodate large-scale events which cause serious damage to the ground.

Earlier this year the site was fenced off again for seven months to allow a £200,000 'once in a generation' restoration. Within weeks of reopening, the ground suffered significant damage from a major music festival, undoing the restoration works.

Accepted

The council finally accepted that, by the Greater London Parks and Open Spaces Order 1967, it must obtain the environment secretary's permission for the event's structures and enclosures on common land. It applied but the application has yet to be determined. Meanwhile, it went ahead with the event,

arguing that retrospective permission would suffice.

We fear that if such retrospective permission is granted it will serve as a precedent for future misuse of this and other metropolitan commons.

On behalf of the society, I have supported and advised our members, the Friends of Clapham Common and the Clapham Society, which are pressing for a public hearing and hoping to crowdfund £20,000 to pay for representation by a specialist planning lawyer.

Football pitches

Meanwhile, in neighbouring Wandsworth, the council aims to grant a 25-year-lease of part of Tooting Bec Common to a private developer who would build four enclosed and floodlit football pitches and charge for their use.

Objectors are angry at this abuse of the common and the enclosure of land valued for informal activities. The huge number of objections to the planning application were ignored by the council, effectively judge and jury in its own development, were it not for the requirement for consent under the 1967 order. The opposition to the application for works on



Public enjoyment ruined: the 3.4-metre-high steel enclosure, more than one kilometre in circumference, on Clapham Common during the music festival.

the common has caused the planning inspectorate to call a public hearing.

Wandsworth Council has also been caught out trying to expand, stealthily and massively, the events site on Tooting Bec Common. I spotted that crucial plans were missing from a licensing application to hold major events on the common.

The plans were revealed, and showed a whole new area of the common described as the 'designated events site'. In response to my Freedom of Information request the council admitted that the enlarged area was not, and had never been, part of the events site. The licensing application has been dropped.

Access regained

Residents of Hanwell in Ealing, west London, have regained part of their park for public access. Our member Steven Toft tells the story.

A fence was erected around a piece of the Brent River Park by the Hobbayne Trust (OS summer 2020 page 9) which attempted to claim ownership. The fence was partly removed by frustrated walkers. The job was finished in March by the Canal and River Trust (CRT) when residents reported that the fence encroached on the Grand Union Canal towpath land.

The Hobbayne Trust argued that the fenced-off land should have been part of the area it bought from British Waterways (BW) in 2014 and that an error by BW had put the boundary in the wrong place. But residents discovered that the officer who registered the land for BW had signed a statutory declaration that he had thoroughly searched the company's records before registering it.

The Hobbayne Trust's claim to be in a legal process with the CRT to acquire the enclosed land was contradicted when the CRT confirmed that it had no interest in the land and no intention of registering it. The Land Registry was told by the

Hobbayne Trust that it had been in adverse possession of the site since 2008. But council records, Land Registry documents, and historic aerial photographs disproved this: the transfer of the plot from the CRT on 17 October 2014 made the land boundary very clear. Consequently, the Land Registry rejected the Hobbayne Trust's application to claim ownership of the area.

This land is designated as public open space. It was transferred to Ealing Council's stewardship as part of a section 106 planning agreement. This information, and the fact that the council has been looking after the land for nearly 20 years, led residents to believe that Ealing Council has ample grounds to register it. The council said in December 2019 that it would do so, but this never happened.

Encouraging

Residents hope that, under its new leader Peter Mason, Ealing Council will be more active in protecting public open space. Early signs are encouraging: the council has said again that it will register the land.



The fence being removed. Photo used with permission of CRT.

This would end the dispute. Residents want to see the land become part of the statutory local nature reserve being proposed by the Brent River and Canal Society for Warren Farm and its surrounding meadows. □

Shipshape in Bristol

Downs for People has saved the unique Clifton and Durdham Downs in Bristol from the incubus of car parking.

The society backed Downs for People (DfP) in its high court challenge of the latest decision, by Bristol City Council and the downs committee, to allow Bristol Zoo to use part of the downs as a car park (OS autumn 2020 page 8).

Bristol City Council and the downs committee have regularly granted these licences, despite opposition from the society and Bristol amenity groups. The downs committee is made up of the Lord Mayor of Bristol and six other city councillors, the Master of the Society of Merchant Venturers (SMV) and six SMV members. The SMV owns Clifton Downs on which the parking is licensed.

Having sought our advice, DfP challenged the council's decision (taken in secret) to renew the licence for a further 20 years, to 2039. The group argued that this decision conflicted with the Clifton and Durdham Downs Act 1861, that the downs should 'for ever hereinafter remain open and unenclosed, and as a place for the public

resort and recreation of the citizens and inhabitants of Bristol'.

Fortunately, the council capitulated and agreed to an out-of-court settlement. The council and downs committee have given a legally-binding undertaking that they will never again set aside land on the downs for parking for activities taking place elsewhere than on the downs.

The defendants will pay up to £72,000 towards DfP's legal costs, and it has generously offered to repay the society the money we donated for the case. We are indebted to barristers Philip Petchey and Jeremy Phillips QC, and solicitors Richard Buxton.

Thus ends a 25-year battle for the society and local people. We celebrated with a gathering on the downs on 15 July, with cake and drinks, and a game of rounders.

We are delighted to have supported DfP and congratulate it on its courage and persistence which have freed the downs for ever. □



Celebration on the downs, 15 July 2021. Photo: Tom Merritt-Webster.

Lantern slides are live

Our collection of lantern slides is now available on our website, for viewing and downloading.

We have launched a new website for our unique collection of over 1,000 lantern slides, which is held at the Museum of English Rural Life (MERL) at Reading University.

As explained by our fellow at MERL (2020-21), Katrina Navickas, in the last issue of *Open Space* (page 2), these images sit alongside case papers from some of our early campaigns.

Majority

The slides date from between 1900 and 1939 and the majority are of the commons, forests, parks, and open spaces which we campaigned to save. There are large numbers from the south of England, and Surrey in particular.

We have arranged the collection by county, and it is searchable by topic and subject, thanks to the work of Demetrius Ferguson who 'tagged' the images to make digital identification easier.

The locations of many slides are unknown, and we invite people to tell us if they know where they are (see <https://bit.ly/3iatlXi>).



A couple of examples are below. We are indebted to our digital-marketing and content manager, Nichola Finan, for compiling the website.

Forests and trees

The lantern slides were featured in the symposium, hosted by MERL on 8 September, about the history of public space. Katrina opened with an overview of the collection and in particular the theme of forests and trees which seems to be prominent. As the Commons Preservation Society, we were interested in preserving ancient forests—but why are there so many pictures of individual tree-trunks, for example in Burnham Beeches and Epping Forest?

Other speakers covered the wonderful variety and beauty of commons, the campaign to save Epping Forest, and struggles involving trespass—at Winter Hill (see page 7) and Kinder Scout, and on the Range West cliffs in Pembrokeshire. A summary of the symposium, with weblinks, can be found at <https://bit.ly/3CBm4rx>.



Where are they? Two images from our collection which are labelled merely 'river with footpath and wooden bridge' (left), and 'the stone stile' (right).



Winter Hill milestone

About a thousand people gathered on 5 September to celebrate the 125th anniversary of the mass trespass on Winter Hill at Bolton. Our general secretary Kate Ashbrook addressed the rally: her message was that, while the trespass was a milestone, we still had a long way to go to secure our freedoms and rights.

On 6 September 1896 ten thousand people from Bolton asserted their right to use Coal Pit Road, the main path to Winter Hill, which is now readily identified by its array of transmission aerials. The landowner, Colonel Richard



One of many banners on the rally. Photo: Julia Uttley.

Henry Ainsworth, had obstructed the path with a locked gate, 'keep out' notices, and gamekeepers on guard.

The people of Bolton broke down the gate, ignored the notices, and dodged the gamekeepers. They poured over the top of the hill and down to Belmont where they drank the hostellers dry.

Ainsworth took the ringleaders to court which found in his favour and issued

heavy penalties. As a result, organised trespassing ceased and the matter remained in abeyance until the Ainsworth family sold the estate to Bolton Corporation in 1938 and access was gradually allowed.

The path was added to the definitive map on the trespass centenary in 1996, and freedom to roam on the hill was secured under the Countryside and Rights of Way Act 2000.

The anniversary event, with banners and a samba band, was a fitting tribute to the bravery of those trespassers.

Our general meetings

In view of the ongoing pandemic, we held our AGM online on 8 July with 33 members in attendance. Voting had been by proxy ahead of the meeting, and all resolutions were carried. We elected the vice-presidents, adopted the annual report and accounts, appointed the independent examiner, and elected four trustees for five vacancies: Stuart Bain, Chris Beney, John Hall, and Simon Hunt.

Our general secretary spoke about the year's work, and the treasurer, Steve Warr, introduced the accounts.

Following the AGM, Katrina Navickas, Reader in History at the University of Hertfordshire, and our fellow at the Museum of English Rural Life (MERL), University of Reading, gave a talk about the society's collection, including our lantern slides, at MERL.

We held a further general meeting, online, on 20 September, to approve amendments to the articles of association.

These provide for online general



Secret access: there is a public right to walk on the land beyond the gate on Tenants Hill, but nobody knows about it (see 'Worthing's downland' below).

meetings (although we shall hold physical meetings whenever possible), and tidy up some anomalies. The amended articles are on our website.

Pumlumon threat

Lluest y Gwynt Wind Farm Ltd has applied for meteorological measuring equipment on Eisteddfa Gurig Common, on the slopes of Pumlumon in Ceredigion. An 80-metre steel mast, with guy wires, anchor blocks, solar array, and warning lights, would be in place for three years.

The company has applied for planning permission and for consent under section 38 of the Commons Act 2006. With the

Membership survey

Thank you to everyone who completed our online survey. We shall publish the results before long.

Cambrian Mountain Society (CMS) we have objected to both, deploring the applicant's failure to consult us first.

These works would be an intrusion on this lovely, wild common and would interfere with people's enjoyment of it. The land is within the Upland Ceredigion Registered Historic Landscape, and the Pumlumon site of special scientific interest, close to the Cambrian Way long-distance path.

Worthing's downland

Five years ago, we helped the Worthing Downlanders to persuade Worthing Borough Council to grant access rights

over its downland close to the West Sussex town. We joined a rally in mid-August to celebrate that success and to contribute to a video which tells the story.

We backed the downlanders' campaign from 2009 to 2015, first to stop Worthing Borough Council from selling its downs, and then to dedicate them for public access. The land is at Mount Carvey and Tenants Hill, adjoining the magnificent Cissbury Ring iron-age hillfort which already had rights of access.

The campaign kicked off with a rally on 14 November 2009, attended by hundreds of protesters. Thanks to this, and to unremitting lobbying, the council conceded in 2015 and the land is now open for all to enjoy.

However, we were concerned to see that the access land still lacked signs, so the public's rights there are a secret (see photo above), especially as the access land is not shown on the Ordnance Survey maps. The South Downs National Park authority has assured us it will install signs, and we wait to hear that it has done so.

Heath's anniversary

On 29 June we celebrated the 150th anniversary of the Hampstead Heath Act 1871 which empowered the Metropolitan Board of Works (MBW) to purchase the heath for the people. We played a major part in this victory.

Our founder George Shaw Lefevre, later

Lord Eversley, a barrister and Liberal MP for Reading, was involved in the select committee, established by parliament in 1865 to 'inquire into the best means of preserving for the use of the public the Forests, Commons and Open Spaces in the neighbourhood of London'.

The committee recommended stronger laws to prevent further enclosures of London commons. Many landowners fought this, including Sir Thomas Maryon Wilson, owner of much of Hampstead Heath. He wanted to build on the heath and adjoining land and had been opposed by local residents and parliament. In response to the landowners' reaction to the committee

Magic greens

We are sorry to report that, contrary to its assurance, Natural England has not yet restored the town and village green layer to the Magic online map (summer os page 10). We are chasing.

report, Shaw Lefevre, with the Hampstead Heath campaigners, formed the Commons Preservation Society (CPS) to keep the commons open and unenclosed.

The CPS fought legal battles against Maryon Wilson and provided expert advice and representation to Hampstead's residents. When Maryon Wilson died in 1869 his brother John, who inherited the



Parliament Hill, Hampstead Heath.



Nottingham Forest, on the town trail.

land and was more public-spirited, agreed to the sale of 200 acres to the MBW.

The Hampstead Heath Act was passed on 29 June 1871 to legalise this transfer. After negotiations the purchase was achieved—the start of a new era for the heath. Since then, the protected area of the heath has grown to over 800 acres. It now belongs to the City of London Corporation and is managed for the public's benefit.

This year is also the 150th anniversary of the Wandsworth Common Act 1871 (see book review on page 16).

Nottingham trail

In September our general secretary cut the ribbon to open the five-mile Nottingham Town Trail.

It was devised by the Friends of the Forest, led by the indefatigable June Perry, with Nottingham City Council. It marks and celebrates the 130 acres of open space won by the people of Nottingham when land was inclosed under the Inclosure Act 1845. The trail links many parks and open spaces, including the 'forest', once part of Sherwood Forest (pictured above), the arboretum, and a number of cemeteries, each of the 12 stages marked with attractive and informative notice-boards.

The walk starts by the River Trent at Wilford Bridge and ends at the Inclosure

Oak, planted in 1865, the year our society was founded. Nearby, the oak which Kate planted in 2015 to mark the two 150th anniversaries, is thriving.



The six-year-old oak tree.

New correspondent

We have appointed Gerald Davies as our local correspondent for the old Daventry district of Northamptonshire, and five electoral wards in Ceredigion (Llangeitho, Lledrod, Melindwr, Tregaron and Ystwyth).

While Gerald lives in Brixworth, about

Hold the date for Kinder

Next year is the ninetieth anniversary of the Kinder trespass and a number of events, with walks and talks, are planned in Hayfield, Derbyshire, for the weekend of 23-24 April. Further news in the next *Open Space*.

five miles north of Northampton, he loves spending time in his native mid Wales, where he was raised on a farm.

Gerald studied agricultural engineering, then spent over 35 years in land-based education with responsibility for a large



Gerald Davies.

estate. Now he is retired, but continues to support agricultural colleges in the further improvement of their safety culture.

A keen walker and hiker, he spends as much time as possible in the hills.

National Trust appointee

We are sorry that Graham Bathe, our appointee to the National Trust council, has had to stand down for health and family reasons.

Our new appointee is Tara-Jane Sutcliffe, who is a member of our board of trustees, and also serves as a trustee of the London branch of the Campaign to Protect Rural England, and the William Morris Society. She brings experience of having led a national trust organisation overseas, and we welcome her to this important role while thanking Graham for his service.

No action on access

Despite promises and assurances as the Agriculture Bill went through parliament, the government has so far failed to include payments for more and better access in the environmental land management schemes (ELMS) which are part of the new agricultural funding regime. Yet these provide an excellent opportunity both to improve access and to design an enforcement process which will penalise path-blockers (see page 1).

We are collaborating with Wildlife and Countryside Link, a coalition of English non-governmental organisations, in putting our case to ministers.

Environment Bill falls short

We worked with other user groups on amendments to the Environment Bill, currently in the house of lords, to include legally-binding, long-term targets to increase access to the natural environment. We are grateful to Ros Scott (Liberal Democrat) for tabling them at committee stage, but the government did not support them and they fell.

We then wrote to the minister, Zac Goldsmith, pointing out that the government's opposition to the targets conflicted with the aim in its 25-year environment plan to ensure that the natural environment 'can be enjoyed, used by and cared for by everyone'. We asked the government to rethink its response before report stage. Sadly, we received an anodyne reply.

Call to PM

In view of the government's all-round failings on access, a group of environmental and access bodies, including the society, wrote to the prime minister at the end of September, calling for urgent action not warm words to ensure investment in and equitable access to green spaces and paths. Clem Attlee would have understood (see page 2). A shorter version appeared in the *Times*.

A reply is awaited, but we are not holding our breath. We shall keep up the pressure.

Failure to publish

In July we noted that the webpage of works on common land which are exempt from consent under section 38 of the Commons Act 2006 had not been updated since August 2020.

We wrote to the Planning Inspectorate (PINS) which said that it had ceased publishing these, and our complaint prompted it to add a note to the website to confirm this.

Such works include temporary fencing for grazing, nature conservation or restoration of vegetation, and bollards or stones to prevent vehicular access.

Under article 4(3) of the Works on Common Land (Exemptions) (England) Order 2007 (SI 2007/2587), a copy of a notice of exempt works must be sent to the secretary of state. This is to enable the public to ascertain whether works on a common are authorised under the 2007



Exempt fencing on Turville Heath common in Buckinghamshire.

order, or should have received consent and are therefore unlawful.

We complained to Defra and pointed out that it would be likely to receive repeated requests under the Environmental Information Regulations 2004 for copies of notices it has received—and indeed the requirement to notify the secretary of state is pointless if the information is not to be published. It seems that PINS changed the arrangements without telling Defra, which is now looking into it.



Celebrating the twenty-fifth anniversary of the Thames Path national trail, at Marsh Lock, Henley-on-Thames. Left to right: Elaine Townson, Thames Path Partnership (TPP); Des Garrahan, Ramblers' representative on the TPP, Steven Tabbitt, national trail officer; Peter Finch, River Thames Society, and Kate Ashbrook, our general secretary. The trail was devised by the late David Sharp who designed Open Space for us. Photo: Wendy Tobitt, TPP. □

Piddle Valley bridleway

In the Piddle Valley, north of Dorchester in Dorset, a 2.5-mile bridleway has been a historic link between the three villages of Piddletrenthide, White Lackington, and Piddlehinton. Today it is in a parlous state. The Piddle Path Action Team writes of its efforts to restore it.

The bridleway today is in places impassable for much of the year, due to flooding and deep mud which dries in rutted tracks after tractors have passed through. This forces users onto the busy, hazardous B3143 that runs parallel to the bridleway.

Our campaign group recently joined the OSS for advice on how to restore this lovely, but poorly-maintained, bridleway. Our aim is to work with Dorset Council, the highway authority, to make the bridleway passable all year round, thus providing a safe route to school, and to the local facilities, by foot, bicycle or horse.



Flooded bridleway in the Piddle Valley.

The campaign has the support of the local first school, the Piddle Valley Parish Council, two churches, local businesses (including an equestrian one), and Dorset's high sheriff. We have obtained good media coverage.

Our main challenges are that Dorset Council insisted that we need the permission from the landowners, and match funding. We believed that we could get funding due to the level of support. However, it has been difficult to identify the landowners (the council cannot tell us, and the Land Registry is incomplete); once we had done so we had to convince them. So far one has said yes, one has said no, and the other is not responding.

Maintenance

After speaking with the OSS we learnt that Dorset Council was indeed responsible for maintenance on the bridleway. It took 11 months for us to get a meeting with the council, and we still have neither a spec nor costings, so we cannot start fund-raising. Since we mentioned that it is responsible for maintenance, the council has asked us to log the issues and distinguish maintenance issues from improvement ones.

The other challenge is local resistance. From surveys, discussions, and awareness events it is clear that we have the support of the vast majority of residents. However, there is a handful who are not in favour, and they are loud and influential. It has been difficult to have a dialogue with them and to bust the myths about the project: for example, some think we want to create a tarmac

cycle-path, while others claim we want to convert the bridleway into a byway open to all traffic.

We should like to hear from any OSS members who have worked on a similar project or have advice for us. Please contact mariadefig@yahoo.co.uk or visit our website, piddlepath.wordpress.com, and our Facebook page, Piddle Path Improvement Plan.

Helen for paths

We have appointed Helen Clayton to the new post of case officer (rights of way). We created this post to address the increasing number of issues concerning public paths in England and Wales.

Helen will work closely with our 41 local correspondents, assist with training, and liaise with other user organisations, such as the British Horse Society and Ramblers, to present a united front on public-path issues.

For the past 18 years Helen has worked for Devon County Council, most recently as public rights of way senior officer (legal and development). She led a team dealing with the definitive map of public paths, parish and community engagement, and the Devon Countryside Access Forum.

Expertise

Helen has considerable expertise on all public rights-of-way matters, and is used to working with volunteers. She is a member of the Institute of Public Rights of Way and Access Management and has represented the Association of Directors of Environment, Economy, Planning and Transport rights-of-way managers' group at a regional and national level.

She enjoys sharing her enthusiasm for public rights of way and communicating their complexity in plain language. She lives in Newton Abbot, Devon, with her husband and cat, and enjoys walking, gardening and baking.



Helen Clayton.

Says Helen: 'After many years with a local authority it is refreshing to work for a charity which defends people's rights to use public paths. I look forward to getting involved in campaigns, and helping to sort out problems to enable more people to enjoy their rights in town and country.'

Much ado about nothing

In March, the National Transport Casework Team (NTCT) proposed to make two orders under section 247 of the Town and Country Planning Act 1990, to stop up highways at Southam and Wedon Closes in Coventry to enable development to take place. In both cases the highway to be stopped up included a short spur from the end of road leading to rectangular areas of land behind houses.

Our local correspondent John Hall did his usual research, checking the legislation, planning application, definitive map and statement, and the council's online planning map. He also made a site visit and took photographs.

Garages

It transpired that although the two spurs were highway, they led to land which had contained garages servicing houses in the named streets. Only the garage bases and the areas for driving to them via the spurs, remained. Crucially, they were not listed as highway on the planning map, and interrogation of the map showed 'no information available' for these areas.

John responded to NTCT, saying that, while he had no problem with the spurs, in both cases he objected because the rectangular areas were not highway. How, John asked, could the secretary of state stop up a highway that wasn't a highway?

NTCT replied with its stock response, that the objection was invalid. It asserted that the secretary of state can stop up any area which may have acquired highway rights through use by the public. John stood his ground, pointing out that the council as planning and highway authority did not own the land and had no knowledge of it being highway land, and that the only usage had been by the owners of the garages who lived in adjacent houses. NTCT still said the objection was invalid. At this point John sought assistance from Hugh Craddock, one of our case officers.

Inappropriate

Hugh and John argued that the use of section 247 to stop up non-existent highways was inappropriate and should not be used on a purely precautionary basis. Research showed that some garages had been sold by people who had bought their council houses. Another ground for objection was that the order could not be used against private easements. Moreover, due to the operation of section 66 of the Natural *The non-highway land (where the car is parked). Photo: Brian Keates.*



Environment and Rural Communities Act 2006, no public right of way is created for mechanically-propelled vehicles (MPV) after 2 May 2006. Thus, in this case any public right of way for MPVs must have been created before 2006.

But, so far as we know, there has not been even the slightest allegation of highway rights over the garage blocks or forecourts. They are included in the order out of an abundance of caution. The society believed that they could be deleted from the order without any impact on the outcome. In order for land to be subject to the order it must be 'highway' and there is no evidence that it is anything of the sort.

No grounds

John also informed NTCT (not for the first time: see 'Knowle inconvenience', OS spring 2021 page 5) that in the society's view, section 247 imposes no grounds for making an objection. Therefore, even if an objection might be considered irrelevant or frivolous (and it was submitted that this was neither) it is still a valid objection.

John had meetings with the developer's agent and agreed that if the order were remade with the offending areas removed, he would not object. NTCT eventually did this and John withdrew the objection, allowing work to commence on the site.

John subsequently found that Citizen Housing (the social-housing contractor) has a new, large-scale housing project whereby it will demolish old garages and replace them with kit-built, prefabricated, starter homes throughout the West Midlands, this area being the first building site. John believes that NTCT was testing this sloppy approach on this case, hoping to create a precedent for the hundreds of small developments still to come. We hope that, thanks to John's vigilance, NTCT will act properly in future. □



James Chuter Ede by Stephen Hart (Pen & Sword £25 hardback, 354 pages).

They don't make politicians like Chuter Ede (1882-1965) any more. He came from a nonconformist (Unitarian) background and began in active politics as a Liberal. He joined the Labour Party towards the end of WWI in his mid-thirties, having served as a provost-sergeant (ie a military policeman) in the Royal Engineers.

He was a schoolteacher who was unable through lack of funds to complete his Cambridge degree. His roots were in Surrey where he had a distinguished career in local government including (among much else) chairmanship of the county council of which he was a member for 33 years. Here too he entered parliament as MP for Mitcham twice—in 1923 and 1929-31—before finding a comfy billet in South Shields (1935-64) where the local Labour Party tolerated a largely absentee southerner as its member (unimaginable today).

Education

In 1940 Attlee recommended him to Churchill for the post of under-secretary of state at the Board (later ministry) of Education in the wartime coalition. There he and Rab Butler together produced the 1944 Education Act, a huge but timid reform. In 1945 he naturally expected to be given the education job in the new Labour government, but Attlee sent him to the Home Office where (though himself opposed to capital punishment) he had to decide whether convicted murderers, of whom there were 20 to 30 a year, should hang—and among those he consigned to the gallows was Timothy Evans, who was later shown to

have been innocent.

As a Surrey man Ede had developed a deep love of the countryside and of walking in it (he never drove a car). He sought to defend green spaces and freedom to enjoy them. This was not the tradition of Winter Hill or of the mass trespass; there were no Benny Rothmans in Surrey. Ede won access or protection for countryside by opportunistic and incremental initiatives, eg at Epsom and Walton Downs, and at Box Hill.

Every acre

Such gains were won with cross-party support in a Conservative county, and every acre was vital because Ede's country lay on the southern edge of the great, expanding London conurbation. He had a major and continuing role in promoting the green belt which aimed to keep Surrey physically separate from Greater London and of course he had an eye for the needs of walkers such as himself and his wife. The stepping-stones across the Mole (see page 2) were typical.

In 1936 he questioned the minister of agriculture about the state of commons and manorial wastes subject to public rights, and the prospects for legislation on the subject. This brought him into contact with the society which had been and was seriously involved in securing protection for many commons and greens in Surrey.

He joined the society's committee and later served as our president, and was on our committee while home secretary. (Can one imagine Mrs Priti Patel, who threatens to reduce citizens' freedoms in the countryside, in a similar role?) In May 1965, shortly before his death, he

appealed for the society in the 'Week's Good Cause' slot on BBC radio.

This is a useful biography of a significant politician. There are a few errors, eg Lawrence Chubb was never chairman of the society. And, although Ede's membership of and offices on various local authorities are faithfully recorded, the politics of those bodies and how a Labour member navigated them with success are left unexplained. **Chris Hall**

Saving the People's Forest by Mark Gorman (University of Hertfordshire Press, £16.99).

This is a year of 150th anniversaries, with the 1871 Hampstead Heath and Wandsworth Commons Acts, and a lesser-known but important event, when thousands of east Londoners gathered on Wanstead Flats, on Epping Forest's southern boundary, on 8 July 1871.

They were protesting against Lord Cowley's enclosures on the flats—a mass meeting instigated by local middle-class gentlemen, including representatives of the newly-formed Commons Preservation Society (CPS), and involving many thousands of proletarian east Londoners. While the leaders became nervous of violent action, the mob laid waste to hundreds of yards of fencing. The police only managed one arrest. The press report that Prime Minister Gladstone with



Police on Wanstead Flats, July 1871. Credit: British Newspaper Archive.

members of his government inspected the broken fences a week later showed the efficacy of the demonstrators' tactics.

This was a turning point in the campaign to save London's commons and green spaces which were being swallowed up by development as new suburbs provided affordable housing.

This lively book explains how popular protest saved Epping Forest, culminating in the Epping Forest Act 1878, and other London open spaces. Each chapter ends with a neat conclusion, summarising what has gone before. The role of the CPS is well described—but the battles were won by people power. **KA**

The Wandsworth Common Story: a 150th anniversary celebration, by the Friends of Wandsworth Common, £12.50 (see <https://bit.ly/39UDKSu>).

'Down with the fences! Preserve your Footpaths'. So rang the clarion call to save Wandsworth Common, in south London, from destruction.

The dramatic story of the battle to preserve it is told in this impressive book, lovingly produced by the friends, to mark the 150th anniversary of the 1871 Wandsworth Common Act.

Robert Hunter, an early luminary of the Commons Preservation Society (now the OSS) and the country's leading expert on the law of commons, was a local person. His role in getting the act passed receives due credit.

But history is only one small part of this lavishly-illustrated and wide-ranging 192-page overview, divided into sections titled 'Nature', 'Buildings', 'Society', 'Culture', and 'Politics', and split appropriately into 150 articles, quotations and anecdotes that can be dipped into at leisure. It features tales of the notable and unusual people who have lived there, its buildings and the changes which have taken place. **Jeremy Clyne**

John Collett Emery, 1930-2020

Our member John Emery has died aged 90. He has left us a generous gift of £10,000. His nephew, Lewis Turner, writes of his life.

John, the youngest of three children, was born and grew up in the village of Garnyr-erw near the industrial town of Blaenavon in Torfaen. The rugged mountains surrounding his home must surely have fostered his love of the outdoors and his appreciation of beautiful landscapes, and these stayed with him throughout his life.

After leaving school he was apprenticed to a carpenter and joiner with the local co-operative society where, among other things, he learned to make coffins. Then he was called for National Service and enlisted in the RAF where he trained as a wireless mechanic although it wasn't a trade that he enjoyed.

Carpentry

After his period of compulsory service, he returned briefly to civilian life but found it unsatisfying and so re-enlisted. This time his carpentry skills were put to good use as he retrained as a boatwright and joined the Marine Craft Unit maintaining high-speed rescue launches. While based at RAF St Athan near Cardiff he became a member of the base's mountain rescue team and spent many weekends training in the Brecon Beacons as well as further afield. More UK and overseas postings followed which took him far and wide. He spent some of this time at RAF Mount Batten in Plymouth, and it was in Plymouth that John decided to settle when he retired.

There he involved himself in local affairs including work for the preservation of endangered historical buildings. He scrutinised local planning applications, and proposals to alter or extinguish rights of way. In fact, he got involved in anything that might be detrimental to the area that had become his home. He was

willing to challenge authority and could be relied upon to hold the decision-makers to account.

On one occasion, this extended to taking Plymouth City Council to the magistrates' court to compel it to recognise and protect the correct route of a right of way. John, having as usual done his research thoroughly, presented a strong case and was successful, despite being pitted against a well-resourced opponent which had employed the services of a barrister.

Contribute

As his health declined, he was less able to venture far from home but continued to contribute where he could and for many years wrote the 'Community news' page for the parish magazine.

John remained a life-long bachelor having decided that marriage and children were not for him. However, he was a wonderful uncle and great-uncle, and a true friend to those fortunate enough to have known him. We need more like John.

Adds our general secretary, Kate Ashbrook: John was a member for many years and I remember him in particular for his feisty campaign against a path closure through the Ridgeway School at Plympton St Mary. He lost in the end but only after a long battle. He was incorrigible, and we miss him.



John at Mount Batten, Plymouth, overlooking the Cattewater.,

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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