

# SIGNPOST

Newsletter of the Peak and Northern  
Footpaths Society



**Have You Renewed?**

Number 36

Summer 2010

## RAMBLINGS FROM THE CHAIR

Welcome to the summer edition of Signpost. I hope you will agree with me that it looks better than ever, thanks to the hard work put in by our editor. I also hope that we have the balance of contents right: your feedback is always welcome. In the hope that we are getting it right, I'd like to take this opportunity to remind some people that renewals are due and that this will be the last newsletter for anyone who has not renewed

A lot of hard work goes into the jobs that we do and the publications that we produce, but errors still creep in. In the annual report I mistakenly referred to the Public Inquiry about the Bridestones as being about the Bowstones. We have been informed that the Public Inquiry will take place on on February 2nd.

**Ramble** – the Oxford Dictionary definition is: *Walk for pleasure, with or without a definite route. Wander in discourse, talk or write disconnectedly.* Ramblings is a pleasure for me, a chance to share what is happening in the Society. My discourse may at times seem disconnected but I would like to assure you we have a definite route map for the future of the Society. In using the word “we”, I am of course referring to the trustees and officers: the plans we have made are not mine alone. Our plans are the product of free debate and we try to take account of the input from the membership before reaching a consensus on the best way forward. Most, though not all, decisions are carried by a unanimous vote. I have not used my casting vote to reach a decision during all my time as Chairman. So whilst some decisions we take will not

please everybody all of the time, they have been taken in a democratic manner. My job is to inform the membership of those decisions and implement them to the best of my ability. The reasons for this digression will, I hope, become clear.

**AGM** – With 74 members present and 20 apologies, the meeting was well attended and as lively as ever. The new-look Annual Report had broad support and we had some suggestions for further changes. I was able to report a saving of £1,172 on printing and postage costs. The Treasurer's report was approved by the meeting with only one vote for non acceptance. I can reassure you that our accounts are prepared by a professional accountant and are approved by Liz Hudson, our Honorary Examiner, in accordance with Charity Commission guidelines.

All officers were re-elected unanimously. Gilly Gostick was elected Vice President. The Honorary Examiner (proposed and seconded from the floor) was re-elected.

David Bratt presented the proposal to change the membership categories. He explained the background to the changes: an expected shortfall in annual income of £8,000 and a desire to introduce direct debit facilities for membership subscriptions and standing orders for donations. I should explain at this point that the introduction of direct debits has been a long hard road, far too long to detail here, but thanks to the efforts of Reg Boot and Alistair Taylor we are getting there and hope to have the scheme in place ready for next year's renewals. A lively debate

Cover: Footpath obstruction take many forms but surely none so bizarre as this giant “hamster wheel” photographed by Geoff Errington.

followed David's presentation before the proposal was put to the vote, which was carried by a majority with four against.

Having agreed the new membership rates, the motion was put to amend the constitution. It was carried unanimously. More information on direct debits and the changes to membership will be sent to all members later in the year.

After lunch Rhoda Barnett gave a very interesting presentation on "The Definitive Map and Statement of Public Rights of Way - A Brief History of their Preparation and Review".

**Derbyshire County Council's** (DCC) record on rights of way work was the main topic of the open forum. Frustration is the only word to describe the Society's feelings towards them. In Derbyshire we have a quarter of our Inspectors, two

**We are £8,000 short of our annual running costs**

Area Officers and one Courts and Inquiries Officer. To put that in context: a quarter of our resources are committed to that Highway Authority, which is but one of the 35 Highway Authorities we work with! We have written numerous letters, met with senior managers and threatened legal action. It appears that only the latter has any effect. Within the last week, John Harker has informed me that Chapel-en-le-Frith 109 and Eckington 50 are at long last clear of obstructions and available for all to walk.

**Finance** continues to be a worry which diverts our efforts from the real work of keeping paths clear. We have made

substantial cuts in non-essential spending, but the fact remains that we are £8,000 short of our annual running costs. Given our reserves, grants are not an option; and legacies, which are more than welcome, are an unpredictable source of income. I appeal to all of you to consider making a regular donation via standing order. Details of our bank account can be found on page 5.

On the subject of donations I would like to explain our policy about signposts and bridges. At a time when we cannot meet our basic running costs, the officers have agreed that it would be inappropriate to set up separate funds for signposts or bridges. Therefore we can only accept donations specifically for these activities if the donation meets the full cost of providing them. In the case of signposts, that means a minimum donation of £200. And I do mean minimum: greater amounts help towards maintenance costs. Bridges can only be quoted on an individual basis. Please get in touch if you would like to make such a donation.

**Half Year Meeting** is booked for November 27th at the usual venue, The Britannia Hotel in Offerton. There will be a formal invitation in the next newsletter but you can book now by telephoning the Editor on 01663 733236 or by emailing [pnfs.meetings@gmail.com](mailto:pnfs.meetings@gmail.com)

**The South Pennine Walking Festival** takes place in September and the Society is well represented with walks led by:

Martin Riley	Monday 13th
Clarke Rogerson	Tuesday 14th
Terry Norris	Friday 17th
David Bratt	Wednesday 22nd

Full details can be found at [www.southpenninesfestival.com](http://www.southpenninesfestival.com)

### MEMBERSHIP RENEWALS

**Is this going to be the last copy of Signpost that you receive? It will be if you don't pay your membership PDQ. The constitution states that "Subscriptions will be due within one month of the AGM." We don't insist on that, but we are now well beyond the due date and still some members have not renewed. There is a membership form on the outside back cover.**

## PNFS PEOPLE

### Honorary Membership

The officers have approved the applications for honorary membership of Mr & Mrs Whitehead and Mr & Mrs Hilliker.

### Volunteers

Earlier I talked about the Society's finances but, of course, we have another invaluable asset in our volunteers. I'd like to thank the following people who, having completed the task they set themselves, are leaving us to follow other interests or to meet family commitments: *Jean Arnett*, who in the long time she has been with us has made sure that our filing system is in tip-top order, has moved on, having done more than her fair share. *David Williamson* has completed his task of sorting out our archive of Annual Reports and other documents. The excellent results of his labours can be seen on our website. *David Tattersall* has taken care of phone messages and emails, testing our smoke alarms and keeping our stationery cupboard well stocked. Jean Parrish joined us to take on the post-book and did a great job but, unfortunately, family commitments mean she can no longer help us.

In the last newsletter, when I asked for a volunteer with Dreamweaver experience, I thought it was a bit of a long shot. However, Mike Barnes has joined us and has already made some great improvements to our website with more to come. I should point out that Mike does most of this work from home at times that suit him and I ask you to remember that when you contemplate the list of volunteers for which I am looking.

### Volunteers wanted

*Press Officer:* we are in real need of someone to talk to the media. We have a lot of good stories and a few bad ones (where a highway authority neglects its duty) that we should be aiming to get across to the public. A great opportunity for home working if you have the right skills.

*IT Support:* another role that could possibly be done from home. The job is to provide a help-desk function and perhaps remote access to our office PCs when we have problems.

*Office Administrator:* traditionally this has been a 'Monday in the office' job. However I am looking to set up a rota so that all the office administration jobs are covered. Once

any training has been completed the job could be done on any day of the week and it does not have to be every week.

*Assistant Treasurer:* book-keeping skills desirable but not essential. Again, mainly office based but on any day of the week.

*Voice Over:* could you become the voice of PNFS? We are putting together a training video and need to add audio to the DVD. You will be working from a script and will be supplied with the appropriate recording equipment to do this task at home. The main requirements are a good voice and lots of confidence.

*Walk leaders:* could you lead one walk a year, short or long? That is all we ask from our walk leaders. We are insured against claims in the unlikely event of an accident.

*Leaflet distribution:* anyone can do this. Just put leaflets in display stands where walkers can find them - Tourist Information, libraries, tea rooms, pubs. Or take a few leaflets with you when you go walking and hand them to walkers you meet along the way. Every little helps with this one.

So if you feel you can help the Society, we will be as flexible as possible in finding you a role at a time and place to suit you. Contact me at [clarke.rogerson@gmail.com](mailto:clarke.rogerson@gmail.com) or leave a message on the office answering machine, 0161 480 3565, and I'll call you back to discuss how you can help.

**Finally:** an opportunity exists to lead the Society as Chairman. This is my third year in the job and it is time to look for my successor. I don't expect to be inundated with calls for this job, but at some point I will step down and the Society will need a replacement. The job may look daunting but I am working at making "my" life as easy as possible by delegating tasks traditionally done by the Chair. There is a great team at PNFS and you can expect a lot of support. Absolutely no experience is necessary – I had none when I took on the VC's job and went on to become Chairman. Please don't assume one of the existing officers is waiting to step into my shoes; they aren't, they are all happy doing the role they currently do. You can rely on their support and my support during the handover period. At times you will get more advice, from all quarters, than you can handle. It is a great job, one that I will miss. But I am already planning my next steps, and like a lot of you I have a family and a desire to travel more. So no excuses: give it some thought and get in touch if you want to head the leading regional society solely concerned with footpath protection.

## MAKING DONATIONS TO THE SOCIETY

**If you wish to donate to the Society, either one-off or on a regular basis, you can do so by standing order to our bank account using the following details:**

**SORT CODE: 40-52-40    ACCOUNT NUMBER: 00089378**

**And, of course, you can still send a donation by cheque to Taylor House.**

## **PNFS WALKS PROGRAMME**

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

### **SHORT WALKS**

#### **Wednesday 11th August**

Leader: Dave Brown (01663 733236)

Broadbottom to Stalybridge linear. 6 miles, 700ft of ascent.

Manchester Piccadilly 1048

Walk starts at Broadbottom station at 1110. Return from Stalybridge station.

#### **Wednesday 8th September**

Leader: Brian Summerscales (0161 437 8500)

Macclesfield circular including Teggs Nose. 7 miles, 900 ft of ascent.

Manchester Piccadilly 1027. Walk starts at Macclesfield station at 1050.

#### **Wednesday 13th October**

Leader: Wally Smith (0161 485 7764)

Whaley Bridge circular. 6 miles, hilly.

Manchester Piccadilly 1052. Walk starts at Whaley Bridge station at 1135.

#### **Wednesday 10th November**

Leader Peter Vickers (0161 748 8135)

Hebden Bridge circular. 5½ miles.

Manchester Victoria 1048. Walk starts at Hebden Bridge station at 1120.

### **LONGER WALKS**

#### **Wednesday 25th August**

Leader Judith Halman (01477 534398)

Whaley Bridge circular 10 miles, hilly

Manchester Piccadilly 0952. Walk starts at Whaley Bridge station 1035

#### **Wednesday 29th September**

Leader David Morton (0161 283 7824)

Hayfield to Edale linear. 11 miles, 2200ft ascent

Manchester Piccadilly 1003 to New Mills Central (1034). Then #62 bus at 1045.

Walk starts at Hayfield bus station at 1100.

Return from Edale station at 1647 or 1747.

**Wednesday 27<sup>th</sup> October**

Leader David Bratt (01925 762472)

Stalybridge circular. 10½ miles, 1750 ft ascent.

Manchester Piccadilly 1011. Walk starts at Stalybridge station at 1030.

**Wednesday 24<sup>th</sup> November**

Leader Vince Joyce (01942 603626)

Disley circular. 11 miles, hilly.

Manchester Piccadilly 0952. Walk starts at Disley station at 1025

**CHRISTMAS WALK****Wednesday 15<sup>th</sup> December**

Leader: Dave Brown (01663 733236)

Dove Holes to New Mills Linear. 10 miles 2000ft ascent

Option to finish at Whaley Bridge. ( 5.5miles 900ft ascent)

Manchester Piccadilly 0952. Walk starts at Dove Holes station at 1045.

**DEALING WITH LONG-STANDING FAULTS**

When a highway authority fails to take action to ensure that a path is in a reasonable state of repair, the Society can take action under section 56 of the Highways Act 1980. This involves serving a notice on the chief executive of the council requiring them to state whether the path is maintainable at public expense. If the answer is yes, which is normally the case for ways recorded on the definitive map, then, unless the path is repaired within 6 months of the notice, the Society can apply to a magistrates court for an order requiring the authority to repair the path. For example, install a footbridge or correct a drainage problem which has made the path impassable. This remedy has its origin in a statute of 1555, when the obligation of a parish to mend its highways was first made enforceable by Justices of the Peace at the Court of Quarter Sessions.

A highway authority is under a statutory duty to protect and assert the right of the

public to use a public right of way unhindered by obstruction. This includes taking action against landowners who obstruct a path on their land. When the authority fails to do so, the Society can take action under section 130A of the Highways Act 1980. This enables any

**Justice, like the Ritz Hotel, is open to all**

person to serve notice on a highway authority, requiring them to take steps to remove the obstruction. This normally means the council should serve a notice on the landowner giving him a short period to remove the obstruction. If he fails to do so, the council can do the work themselves and send the landowner the bill. If the council fails to act, then the Society may go to the magistrates court to ask for an order that the council comply with their statutory duty and take action to ensure the path is unobstructed. This remedy was introduced by the Country-

side and Rights of Way Act 2000 to encourage authorities to be more proactive in keeping rights of way open, allowing greater use and enjoyment of public footpaths and bridleways.

No fee was charged for laying a complaint in the magistrates court under these provisions until May 2008 when a complaint fee of £75 was introduced. This was the only fee involved in using the procedure. In 2009 the fee was increased to £200 and a 'hearing fee' of £500, payable before any hearing, was added. Thus, even to get a complaint before the bench, an individual must find £700. Justice, like the Ritz Hotel, is open to all.

Whilst the normal rule for recovering fees is that 'costs follow the event' - that is, the loser pays the winner's expenses – it is not certain that all the fees will be recovered even if the complaint is upheld. The matter will be at the discretion of the court. In practice this will involve a consideration of reasonableness. In the case of a path out of repair, questions will probably be asked as to whether the council was given a reasonable period to respond to the original report of the fault; how important the path is to the network; if it is part of a well-used route to school, the shops or a tourist attraction; or if a suitable alternative route is available. These factors will also be relevant in an obstruction case under section 130A, as will be the motive for the obstruction. Magistrates may feel more sympathy for a farmer trying to stop stock escaping from his fields than for a landowner excluding walkers to protect his privacy.

If the case is lost, then not only will the £700 be lost but there is a danger of



having to pay the other side's legal costs, which could include the fees of any expert witness as well as lawyers. How should the Society respond to this? With caution! The legal policy committee, presided over by the Chairman, and attended by the Society's Honorary Legal Adviser, the Vice Chairman and the Courts and Inquiries Officers, carefully considers all cases where the Society might incur legal fees or costs. As well as examining all of the legal issues, the committee takes account of how long ago the matter was reported to the council and whether the case is one where the Society would wish to be seen to be associated with the cause. The Society has a policy of sending a final letter before taking action in an attempt to resolve matters without recourse to the law. The trustees have set aside a sum of £7,000 to support appropriate cases where fees will be payable. This is a rolling budget, rather than an annual budget, so that if fees are recovered they go back into the pot. So far all cases where action has been authorised under sections 56 or 130A have been resolved without having to pay court fees.

**Terry Norris**

Courts and Inquiries Officer - Western Areas



## GATES ACROSS PUBLIC RIGHTS OF WAY

For centuries a track to a farmhouse had provided both access to the farm and a public footpath leading to the moors. The path was duly recorded on the definitive map drawn up in the late 1950's. The property has now been sold and farmhouse modernised. The rough track now has a firm surface and a set of electronically operated gates for vehicles with a one metre gap left for walkers at the side of the gates. The effect and the intention is that the way forward looks private. Do the occupiers have the legal right to do this?

A right of way may have a gate across it but this should be recorded in the statement accompanying the map as a limitation. Section 147 of the Highways Act 1980 provides that a gate may be authorised by the highway authority for stock control purposes where the land is being used for agriculture, forestry or the breeding or keeping of horses. A gate erected without consent under section 147 is an unlawful obstruction.

These issues were explored in a recent case brought by a member of the Open Spaces Society – Herrick and Herrick v Kidner and Somerset County Council. The Herricks constructed an impressive gateway across a public footpath, consisting of three substantial pillars supporting iron gates. The path also formed part of the access road to £3.8 million Barcroft Hall. Between the first and second pillar there was a pedestrian gate and between the second and third pillars double gates. The council prosecuted Mr Herricks for wilful obstruction of a highway under section 137 of the Highways Act 1980. He was convicted but the court declined to order the removal of the gates.

Mr Kidner of the Open Spaces Society then served notice on the council claiming that the obstruction still existed and requiring them to take steps to secure its removal. The matter was heard first in the magistrates' court and then on appeal to the Crown Court. The Crown Court decided that the double gates should be removed along with the middle pillar. The court acknowledged that leaving the outer pillars would still give a strong indication that a walker was entering private property and that this might deter some users. To counteract this impression the council was also ordered to erect a finger signpost outside the gateway. The Horrocks then

### **The precedent set in the Somerset case is extremely helpful to our cause**

appealed to the High Court.

This has resulted in a very important ruling on

the issue of the extent to which a member of the public can have removed a gateway the landowners have built across a public footpath.

The judge ruled that leaving the outermost pillars standing was contrary to the highway authority's duty under section 130 to assert and protect the rights of the public to use and enjoy the right of way over the path. He recognised that the pillars would act as a psychological deterrent but held that the court could not order the erection of a finger post as this was not a step 'for securing the removal of the obstruction'. However, the order from the court should have been in relation to the *totality* of the structure obstructing the full extent of the footpath. Any structure erected within the legal

extent of the footpath, which prevents public passage over the area of its footprint significantly interferes with the exercise of a public right of way. Highway authorities which refuse to take action to secure the removal of such structures may be subject to an order under section 130B. Thus *all the pillars and the gates* had to be removed for there to be compliance with the law. A wonderful victory for walkers.



Electrical gate  
across Dunford  
Bridge FP6

To return to the scenario at the start of this article. Assuming there is no stock control function being performed by the gates, so they could be authorised under section 147, then they would amount to an unlawful obstruction and the highway authority would be under a duty to ensure their removal. The Society is currently involved in two cases where a footpath has been obstructed by unlawful barriers, one in Kirklees (Colne Valley 136) and the other in Barnsley (Dunford 6). The precedent set in the Somerset case is extremely helpful to our endeavours.

In a future article I will return to the legal issues arising when the rough stone surface of a footpath is replaced with tarmac.

**Terry Norris**

Courts and Inquiries Officer  
Western Areas

## SIGNPOST REPORT

New signposts have continued to appear in 2010, albeit at a slower rate than in 2009, when we erected 29. So far we've added 4 to our stock of 303, thanks to generous donations from several individual members

of PNFS and one from the Ramblers Association (Greater Manchester and High Peak Area)

which paid for S379 at Lower Nabbs Farm, Wildboarclough in memory of Bob

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**We now have  
309 signposts  
in place**

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Chaney (1913-2008). This sign was dedicated on July 30th, Derek Seddon and myself representing the Society.

In February I came across my predecessor Frank Higgins' signpost logbook from 50 years ago. I realised how much easier the job has become, when I read that in 1962, Macclesfield RDC required separate planning applications for each of three signposts!

In March, Brian and I managed to reinstate S226 (Colin Fenton's memorial) on Lyme Handley 3. It had been removed

some years ago following a landslip at Bollinhurst Brook.

April saw John and Ted erecting S384 at Torside, Longdendale, in memory of Frank Griffiths; then S380 at Ipstones, Leek, as a gift from Inspector Christine Carter and her husband David.

In May, I took my rusty caravanette north for a night and returned with consents for seven new signposts: two near Sabden, three at Brennand in Bowland and two at Lowgill, Wray in the Lune Valley.

June brought the erection of S381 at Higher Hurdfield, south of Bollington; then the reinstatement of the refurbished S43 (one of Rowland Mower's works of art from 1912) at Grindelford, plus S112 (pictured) at the Moorland Centre, Edale, where it will serve an educational purpose, having been lost since 1965!

As of 8<sup>th</sup> July, I have seven new plates to paint and post for Ted and John to plant in the virgin territory of north Lancashire in July to August. Currently we have 309 signposts in place and they will soon extend to the four main points of the compass.



Mixon near Onecote, Vincent House Farm near Hartington and Manor House Farm near Marsden are three new locations where I have consent for one or more signposts, but need a donation. If you share my enthusiasm and wish to fund a

signpost please contact me.

Considering the length of the winter, a fair amount of maintenance has also been done, but further help with cleaning and checking signposts in the field would be very welcome.

Finally, an apology for my 2009 Year-book report, in which I incorrectly linked Bernard Taylor with signpost 375 at Besom Hill Reservoir. Bernard should instead have been credited with all the work he did in relation to signpost 376 (and footpaths) in the upper Tame valley. This ranged from finding the spot

and gaining the landowner's consent to helping to erect the signpost. Signpost 375 was entirely Martin Riley's brainchild. My apologies to both of them for my inaccuracies and thanks for their hard work on our behalf.

**Dave Morton**



The membership form is also available online at [http://www.peakandnorthern.org.uk/membership/membership\\_form.pdf](http://www.peakandnorthern.org.uk/membership/membership_form.pdf)

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

**PNFS Membership Renewal**  
Registered Charity 212 219  
**I/We wish to renew membership of the Peak and Northern Footpaths Society**

Names \_\_\_\_\_  
Address \_\_\_\_\_  
Postcode \_\_\_\_\_ Tel \_\_\_\_\_  
Email \_\_\_\_\_  
Date \_\_\_\_\_  
Signature \_\_\_\_\_

**Gift Aid**  
Please treat all subscriptions, donations and gifts which I make to the Society as Gift Aid Donations. I understand that I must be a taxpayer, paying an amount of tax equal to the tax being claimed.  
Signature \_\_\_\_\_  
Please remember to notify us if you no longer pay that much tax or if you wish to cancel this advice.  
Tick here if you require a receipt:

Tick here if you require a receipt:

Please send this form with your cheque (payable to **Peak and Northern Footpaths Society**) to **The Membership Secretary, Taylor House, 23 Turncroft Lane, Stockport, SK1 4AB.**

Subscriptions		Type of Membership	Minimum* Subscription	Amount enclosed
		Individual	£10	£
		Household Ø	£17	£
		Concessionary\$	£5	£
		Affiliate	£15	£

Ø Household membership covers two or more people living at the same address.  
\$ Concessionary rates are available to people under 21 in full-time education or to people on low incomes claiming benefit\*

\* The Society deliberately keeps subscriptions low so as to allow every one to subscribe. But we rely heavily on additional donations to meet our running costs. Please consider giving an additional donation. Details of how to subscribe by direct debit or donate by standing order will be sent to you in the post.

Other Items			
Rucksack badge	£2	£	
Donations		£	
<b>Total Enclosed</b>		£	