PUBLIC ENJOYMENT OF THE OPEN COUNTRYSIDE IN ENGLAND AND WALES

1919-1939

A study of the campaigns for the establishment of National Parks and the securing of wider access to the open countryside during the inter-war period.

This thesis is submitted for the degree of Doctor of Philosophy in the Faculty of Social Sciences at the University of Leicester.

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The subject of this work is the concern for the public enjoyment of the open countryside in England and Wales which grew up between 1919 and 1939. I have attempted to analyse its constituent parts, assess their influence and judge their longer-term significance. Its scope has been limited to the political and social sphere and is primarily an examination of the inter-play between public opinion and various interest groups on the one hand and the process of parliamentary and governmental decision-making on the other.

In broad terms the study falls into two parts. One is the campaign for the establishment of National Parks between 1925 and 1939 and the other the campaign for the enactment of the Access to Mountains Bill which can be traced through the whole twenty-year period, and indeed from much earlier. Within the first part attention is concentrated on the work of the Addison Committee on National Parks (1929-1931), subsequent parliamentary and public interest in its recommendations and upon the work of the Standing Committee on National Parks, which was set up in 1935. The Access campaign is first considered in general terms by looking at the development of walking as a popular open-air pastime and the struggle for public access to the moorlands in the Peak District, and then a more detailed scrutiny is made of the events leading up to the passing of the Access to Mountains Act of 1939.

As little material has yet been published on this subject the source material used has in large part come from parliamentary papers, official reports, departmental files, comment in newspapers and journals, minutes of meetings and conferences, memoranda, correspondence and from the recollections of some of those people involved who are still alive.
Separate from the acknowledgements to the many individuals and organisations which are to be found at the end of this thesis I wish to express my particular gratitude to Doctor Northwick for his interest, enthusiasm and above all his indefatigability in guiding my steps along strange paths. Also I wish to thank Mr. John Day for his encouragement, and Professor Hughes for prompting my thoughts at the outset towards this field of study.
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SOME POINTS OF DEFINITION AND CLASSIFICATION.

The definition of open countryside for the purpose of this thesis is that given in Part V Section 59 (2) of the National Parks and Access to the Countryside Act of 1949: "the expression 'open countryside' means any area to consist wholly or predominantly of mountain, moor, heath, down, cliff or foreshore...". In general terms it may be taken to be uncultivated marginal land, usually above the three hundred foot contour.

A further point is that this study of "access" to the open countryside excludes all references to Rights of Way. The distinction between these two terms should therefore be clearly understood. Access means the right of the public to wander at will; Rights of Way simply grant access along pre-determined routes crossing otherwise inaccessible land, any deviation from which constitutes trespass.

The scope of this work has been confined to England and Wales partly in order to keep the material within manageable limits. In addition the existence of separate legal and administrative systems in Scotland gave rise to rather a different situation there which would have made a single coherent exposition or analysis difficult.
The intention of this thesis is to examine the concern over public enjoyment of the open countryside which grew up during the inter-war years, and to this end seeks to trace and analyse its political, administrative and social elements. Within the century running from the first Metropolitan Commons Act of 1866 up to the Countryside Act of 1968 these years form a crucial period, and the work shapes itself around four particular manifestations of this concern. As well as the growth of the enthusiasm for walking these were the deliberations of the Addison Committee on National Parks 1929-31, the passing of the Access to Mountains Act of 1939 and the work of the Standing Committee on National Parks.

Attention is also given to other aspects of the subject such as parliamentary debates and questions, local initiatives and public comment. By "enjoyment" I mean to denote primarily the right of access of the public to open countryside, but in addition the word is intended to embrace a study of the various regulatory and supervisory functions discussed that would be essential to the planning and developing of such access. The subject was chosen partly as a result of my own interest in fell-walking but also because it is a significant if minor aspect of social and political history which has never received academic scrutiny.

Because the theme of the public's relationship to the open countryside is so immense and little charted I think it only politic to state what I have not attempted to do. I have not examined in detail legal or planning considerations although these are occasionally discussed at some length, and similarly I make the merest reference to aspects of geography or land-use. In addition, several problems encountered in my research need
to be mentioned briefly. Foremost of these was the availability of evidence. A major part of my task has been to draw together and synthesise material from many different sources. In these efforts, apart from authoritative records such as departmental files and parliamentary debates, certain other sources such as *The Times* and *Manchester Guardian* newspapers and the *Monthly Reports of the Council for the Preservation of Rural England* have proved valuable in helping to establish a time scale of events. Another problem was the non-availability of much contemporary comment, notably the personal papers of some leading protagonists. For example, the records of Mr. Williams-Ellis were lost in a fire at his house several years ago, while in the case of the late Viscount Addison it has proved impossible to gain access to his papers owing to certain stipulations made by his next-of-kin. Because of this I am conscious that parts of this work are less complete than they might be, but the account rendered is as full as I have found possible to make it. A final difficulty has been the treatment of the personal recollections gathered in the course of my research, for clearly after a lapse of forty or more years few of those interviewed possess powers of total recall. Forgetfulness, partiality and selectivity were factors that had to be taken into account. I have therefore avoided relying upon any unsubstantiated recollections to establish material points; rather they have been used for corroborative and illustrative purposes.

Notwithstanding such caveats this thesis is presented as a serious and objective study of an important period in the history of the enjoyment of our countryside. At a time of increasing concern for the "quality of life" and the non-material dimensions of social existence I hope that it may prove to be a source of information and understanding.
ABBREVIATIONS.

To achieve felicity of style the titles of organisations mentioned frequently in this work have on many occasions been abbreviated, as shown below:

British Waterworks Association  -  BWA
British Workers' Sports Federation  -  BWSF
Commons, Open Spaces and Footpaths Preservation Society  -  COSFPS
Council for the Preservation of Rural England  -  CPRE
Council for the Preservation of Rural Wales  -  CPRW
Ramblers' Association  -  RA
Ramblers' Rights Movement  -  RRHM
Town Planning Institute  -  TPI
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The party allegiance and constituencies of most of the leading parliamentary figures involved in the two campaigns can be found included in these two Appendices.
CHAPTER ONE

AN INTRODUCTORY SURVEY OF PUBLIC INTEREST
IN THE OPEN COUNTRYSIDE

(a) Introduction

Public interest in the open countryside has a history stretching back well into the nineteenth century. A measure entitled the Access to Mountains Bill was in fact laid in front of parliament by Mr. (later Lord) James Bryce in 1884. This related only to Scotland, and did not proceed further than a Second Reading but it was significant as the first manifestation in parliament of the concern felt about the growing restrictions on public enjoyment of the remoter parts of Britain. A similar measure for England and Wales was presented in 1838 and met the same fate. The concept of National Parks had been advanced even earlier, by William Wordsworth in 1810. Writing of the English Lake District he called for it to become "a sort of national property in which everyman has a right and interest who has an eye to perceive and a heart to enjoy".

If one wished to speak in wider terms it is possible to trace the growing interest in the open countryside back to earlier social and literary developments. Clearly the growth of towns and the movement of population from the land into factories and mines during the Industrial Revolution meant that most people were now separated from any direct experience of nature. As long as they had lived in the country this had not been the case. Even if life was harsh and opportunity limited at least most villagers had certain rights of way and commoner's privileges, as well as other strictly illegal prerogatives such as access to marginal land which benign landowners or the long custom of usage granted. Without
caricaturing such an existence as a pastoral idyll, nevertheless the loss of such simple benefits marked a decline in the physical and spiritual quality of life of the working class which a hundred and fifty years later still appears as an ignorance and suspicion of the countryside.

The revolt against this spiritual degeneration can be clearly seen in the attitude of the Romantic writers towards nature. Previously in the works of people like Samuel Johnson there had been a movement towards man-made formality. The untamed parts of the countryside such as he had travelled through in the Western Highlands were looked upon with trepidation. However with the poets and thinkers of the late eighteenth and early nineteenth centuries there was a desire to move back to a closer communion with nature in all its manifestations. Rousseau contrasted the moral superiority of the simple life with the artificiality of the Parisian "salons", while in this country others wrote in praise of a life close to the earth. In the early 1800s the English Lake District was the centre of this resurgence. Apart from Wordsworth himself De Quincey was living at Grassmere, Southey at Keswick and Coleridge at Patterdale. Part of this love was an enthusiasm for walking - Wordsworth for instance was reputed to have covered over 170,000 miles by his middle age in his stridings over the Lake District Hills. Obviously the inspiration of writers cannot be taken as a sudden awakening on the part of the general public, but song and poem were very effective ways of communicating a love of the wilderness to a wider circle of professional and academic people who read their works.

(b) **The struggle for the commons.**

These two themes, the loss of contact with nature on the part of the town-dweller and the growing concern of an influential and altruistic minority, lead one into the mid-nineteenth century and the first clear manifestation of this interest. The sequence of events within and outside parliament from 1865 onwards is generally referred to as the struggle for the commons, and resulted from the alarm that a small group of people felt for the rapid diminution in the amount of common land open to the public, and to a lesser extent for the degeneration of their surfaces. Commons, particularly around London, were obvious places for the building of expensive town houses, having both a central situation and an open aspect. The cheapness of such land and the compliance of parliament when Local Bills came before it meant also that water undertakings and railway companies sought to buy stretches of metropolitan commons. Against these threats the Commons Open Spaces Preservation Society was established in 1865 by a band of enthusiasts led by Mr. Shaw-Lefevre, a Liberal MP of radical persuasion, and including Sir Charles Dilke, James Bryce, Octavia Hill and John Stuart Hill. The Society fought to protect metropolitan commons both through the courts and by Acts of Parliament, and it gained the Metropolitan Commons Act of 1866 as well as some notable legal victories. The most famous of these, the preservation of Epping Forest, was won

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(1) The story of this struggle can be found set out in detail in Lord Eversley Commons, Forests and Footpaths (1910). A more recent account of the work of the Commons, Open Spaces and Footpaths Preservation Society between 1865 and 1966 is W.H. Williams *A short history of the Society and its work* (1966).

(2) Later created Lord Eversley.

(3) Won at a cost to the Corporation of nearly £250,000!
in co-operation with Corporation of the City of London which had to act as the litigant because the Society could not take up the case itself as it had no "interest" in the land in dispute. The crowning of all these efforts came on 6th May 1882, when Queen Victoria formally declared the Forest open to the public "without let or hindrance".

Further afield there were other more potent threats to common land. Many landowners were exploiting their position as the local Lord of the Manor and inclosing commons to add to their estates. These developments were encouraged by the ease with which parliament enacted the necessary legislation, and made more invidious still by the nugatory protection offered to other commoners. The practice of inclosure had a long history, going back to the Black Death (1348) and beyond. However it was the growing demand for food which quickened its pace in the later 1700s. In 1793 the Board of Agriculture appointed a Committee to investigate speedier ways of implementing such Schemes, and in 1801 parliament passed the General Inclosure Act. It was under this measure that such areas as Alston Moor (20,000 acres) and Penrith Moor (28,000 acres) in Cumberland were inclosed in 1803. From the General Inclosure Act of 1845 the tide began to swing against this policy but not until 1870 did the Board of Agriculture set up a Committee to review and where necessary reject proposed Schemes. From then on the pace slackened, until after 1900 only a negligible number were accepted and from 1914 none at all.

All this did nothing to preserve the surface of common-lands, and indeed as long as they were disfigured by tinker camps, rubbish-tipping and the extraction of building materials local landowners could claim a degree of public interest in their actions. To change this unsatisfactory state of affairs
the Commons Society initiated Schemes of Regulation which sought to control commons through Boards of local people empowered with the requisite bye-laws to protect and improve them. From 1876 up to 1899 a series of Acts were passed which established and extended their powers so that by the turn of the century one could state that to all intents the struggle for the commons had been won.

(1)

The National Trust.

The Commons Preservation Society, although the first, was not the only body founded in the nineteenth century which had as its aim the preservation of the open countryside. A band of enthusiasts led by Octavia Hill, Sir Robert Hunter and Canon Rawnsley and acting in the first instance upon threats to the beauty of the Lake District, established the National Trust in 1894. From its beginning this body was of a different nature from the Commons Society for it was constituted as a non-profit-making body empowered under the Joint Stock Companies Act to own land, a thing the earlier Society could never do. Its role was expanded and given official recognition in the National Trust Act of 1907, and a further Act was passed in 1937. Despite some early tensions and jealousies between the two bodies they pursued broadly similar ends and co-operated successfully to achieve them. In subsequent years they tended to range themselves against the newer and more radical access organisations which sprang up, in particular the rambling federations.

(1) There are several histories of the National Trust, the most recent being R. Fedden The continuing purpose: a history of the National Trust (1968).
(d) The Growth of Interest in Walking.

Other bodies established in the late nineteenth century with a particular interest in walking included the Co-operative Holidays Association, set up in the north of England by Reverend T.A. Leonard in 1891 with the aim of providing cheap open-air holidays, and the National Footpaths Preservation Society in 1893, which later amalgamated with the Commons Preservation Society in 1899. In fact walking, although still of a limited appeal compared with the inter-war years, was increasingly becoming an acceptable pastime for both professional people and small groups of skilled artisans.

Several clubs such as the Forest Ramblers Club (1884) and the Polytechnic Rambling Club (1885) were established in London and as early as 1901 the Federation of London Rambling Clubs was formed. Outside the south other clubs were set up, one of the oldest was the Manchester YMCA Rambling Club (1880), followed by the Yorkshire Ramblers Club (1900), the Rucksack Club (1902) and one of the most famous of all, the Lake District Rock and Fell, in 1906.

The more general social improvements which were slowly gaining better living conditions for many were of significance here. The increasing availability of holidays (Bank Holidays were established in 1871 for example), rising real incomes and cheaper means of travel in the form of the railways all helped to bring the countryside within reach of an increasing number of people. This is not to ignore the limitations

(1) Later to become an important figure in rambling circles during the inter-war years.

(2) Originally a Manchester group, although later it established branches throughout the country.

(3) For an account of the growth of holidays and leisure pursuits see JAR Pimlott The Englishman's Holiday (1947).
still imposed by poverty, the habits of "sabbatarianism" or merely the disinclination of those who did hard manual work during the week to take to tramping over moorlands at the week-end, but nevertheless the demand for cheap and healthy holidays which marked the rambling "craze" of the 1920s and 30s can be traced back into the second half of the nineteenth century.

The years up to the outbreak of the First World War saw not only the steady growth of rambling but also of a growing opinion in favour of wider public access to the countryside. In its Annual Report for 1904 the National Trust first made specific reference to the need for National Parks, particularly in the Lake District, and in 1908 Charles Trevelyan made a further attempt to persuade parliament to pass the Access to the Mountains Bill. This, as the one in 1884, got as far as a Second Reading before failing.

(c) Some forces in opposition.

At the same time the growth of another taste in leisure pursuits — that of shooting game — occurred in areas such as the Peak District, the Yorkshire Moors and the Cairngorms in Scotland. This development held the seeds of the bitter struggle between the walker and the "sportsman" which was to scar the period between the wars. Before 1870 grouse shooting was largely unknown, but the fall in land values following in the wake of the agricultural depression combined with the stimulus that such a pastime gave to the social aspirations of many of the rising rich encouraged its growth as a part
of the local economy which provided both employment and (1) higher rentals.

It was unfortunate that these changes took place before most of the access bodies were established, for by the 1820s the case of the sportsman and his clients was firmly rooted in tradition and economics. The evidence is that prior to 1870 upland areas such as Kinder Scout in the Peak District were freely accessible to those who wished to walk there. Within the space of a generation no such facilities existed and owners had even set about trying to extinguish long-established rights of way. Luckily the natural habitat of the grouse did not include areas such as the Lake District or mid-Wales, so such regions were spared one menace. Unfortunately they were faced with another. Water undertakings had acquired lakes in these regions together with large expanses of adjoining land to act as gathering grounds, and in a time before the development of sophisticated purification techniques it was considered necessary to protect the natural filtration from avoidable human pollution. Such a policy was a very real threat to free public access to the common lands which lay in these parts, and the problem was only partially solved by a combination of statutory limitations on the water authorities which were embodied in the various Local Acts establishing

(1) A useful account of the development of grouse-shooting, particularly from the ecological and land-use points of view, can be found in the introductory chapters of an unpublished Ph.D. thesis written by Mrs. J. Bessiter of the Department of Land Economy, Cambridge University. "Public use of uncultivated countryside for open-air recreation: an analytical study of the National Parks Act 1949 and post-war policy in England and Wales".
the gathering grounds and close restriction of activities such as camping and the provision of overnight accommodation.

(f) Post-War developments.

The outbreak of the First World War acted as a natural watershed as far as enjoyment of the open countryside was concerned, as it did in other matters. During the war there was a virtual cessation of activity but at the same time a feeling built up amongst those interested that when peace came radical changes would need to be made. At first public concern in access particularly and the future of the countryside in general was slow to gather momentum but by the mid-1920s the concurrence of several developments, in themselves unrelated, began to stimulate attitudes favourable to the idea of National Parks and other measures for access.

One development was the rise of walking, under whatever term it was given such as "hiking" or "rambling", as a popular activity amongst social groups that had not previously taken much interest in the rather bourgeois notion of the improving qualities of such exercise.

A second was the growing realisation amongst more traditional lovers of the countryside that secular changes occurring in the country's social and economic structure were having a serious affect on what nowadays is termed the "quality of the environment".

(1) The winning of these limitations on the powers of the undertakings to prevent access was another achievement of the Commons Preservation Society. They generally followed the clauses incorporated in the 1892 Birmingham Corporation Act, which became famous as "the Birmingham Clauses".

(2) Manchester Corporation, for example, forbade its tenants on their Lake District gathering grounds from taking in paying guests or even from providing light refreshments.

(3) This is covered more extensively in Chapter Seven.

(4) Many books were published on this theme; see, for example, C. Williams- Ellis England and the Octopus (1928).
The popularity of motoring, the growth of owner-occupation, the development of the national electricity grid which encouraged the dispersal of industry and housing and the expanding leisure opportunities in the form of paid annual holidays and growing real incomes amongst certain occupational groups all were threats to the wild regions of the British Isles. Concern for the future of the countryside under these pressures helped to establish bodies such as the Council for the Preservation of Rural England, and the Association for the Preservation of Rural Scotland in 1926, and the Council for the Preservation of Rural Wales in 1928. These organisations joined their efforts to the others longer established to stay the hand of the philistine.

A third problem in the early 1930s (and indeed since the 1870s) was the one which may be characterised as "the decline of the land". This in fact was a term frequently used at the time to denote the collapse of agriculture and the flight of both capital and labour which resulted from the flood of cheap foodstuffs from abroad. This led in many places to the degeneration of the land surface; fields reverted to scrub, woodlands suffered from lack of husbandry,

(1) See JAR Pimlott The Englishman's Holiday, in which he states that against the background of general economic hardship many peoples' leisure opportunities improved considerably.

(2) See the remarks made in the Report of the National Parks Committee 1931 (Cmd. 3831) on this problem, "The preservation of what is beautiful and pleasant in both town and country is a practical measure which is essential to a right economy and to the national welfare," (paras. 11 and 12).

(3) One of the interesting sidelights cast on this period when looking through newspapers is the constant appeal made in advertisements for the public to "buy British food" in order to support the country's agriculture.
fences and land drainage systems were neglected. This seems at first glance to have little connection with the subject of this thesis, but it appeared to those interested in the preservation and enjoyment of the countryside as symptomatic of the nation's short-sighted attitude towards it, an attitude which put convenience or short-term benefit above the wise conservation and use of natural amenities.

Fourthly, National Parks had been developed in other countries during the early part of the twentieth century and especially since the end of the First World War. In countries such as Canada, South Africa and particularly the United States care had been taken to preserve wild parts of the terrain for the benefit of both the natural life and the visiting public. At a time when there was a tendency still to regard British institutions as second to none, the evidence of other "less mature" countries showing such foresight was rather sobering. There were so many obvious points of difference between the National Parks in other countries and anything that was likely to be developed in Britain, most clearly in the difference in land areas available, that apart from this introductory section no further reference is made to foreign experience; nevertheless it was not so much the fact that people here felt that we should imitate other countries exactly, but the fact that something was being done which spurred them on.

(1) For a brief account of these developments see N. Browning National Parks (1950). Also Cmd. 3851 Appendix 4, and the Hobhouse Report on National Parks, (Cmd. 7121) paras. 11-21.
It should be made clear at this point that the desire for wider public enjoyment of the country in fact was not by any means a single cohesive movement, but rather two different ones. One was the campaign directed towards the establishment of National Parks, while the other was concerned with agitating for wider access to the "mountains" (i.e., a generic term denoting uncultivated uplands), particularly through the enactment of the Access to Mountains Bill. The presentation of this thesis in two parts reflects this bifurcation. In broad terms the campaign for National Parks was aimed not only at increasing the amount of public access but also the regulating and financing of such access and the safeguarding of both landscape and amenities. Compared with this the Access campaign had a more limited aim – the establishing of the public freedom to wander at will over uncultivated upland countryside. Thus one may count four distinct pressures which helped to launch National Parks and Access to the Mountains upon the choppy waters of public affairs in the years between 1924 and 1939. They have been mentioned in order of their relative importance; certainly the first and second were the most crucial and the relationship between them of the greatest importance. Later comment is made on this relationship, but it is appropriate here to point out that there was always a suspicion amongst the rambling fraternity that the "preservationists" who lent support to bodies such as the National Trust and the CPAS were not really convinced in their innermost hearts of either the right, the need or the advisability of the public having wider access to the open countryside. While the need for a united front against the common enemy usually kept the two sides as allies, this collaboration was diffused with a wariness about each other's
motive which occasionally broke surface. It is seen most conspicuously during the struggle for the Access Bill but was also a factor in the National Park movement. Having drawn in the background to these two campaigns, it is necessary now to turn to consider them in detail, beginning with the account of the efforts to establish National Parks in England and Wales.
PART ONE

THE CAMPAIGN FOR THE ESTABLISHMENT OF NATIONAL PARKS.
CHAPTER TWO

THE NATIONAL PARKS COMMITTEE, 1929-31.

1. EVENTS LEADING TO ITS APPOINTMENT.

Although from an official point of view the beginning of the post-war movement for National Parks may be dated from September 1929, when the Prime Minister Ramsay MacDonald formally appointed the National Parks Committee under the Chairmanship of Dr. Christopher Addison on the 26th of that month, the growth of interest can be traced back over a number of years. For some time after 1919 there appears to have been a dearth of information and comment on the subject. Newspapers such as The Times and Manchester Guardian gave no mention to it, and neither did weekly journals such as The Spectator, The New Statesman and The Economist. Nor can the subject be traced in any of the open-air and amenity publications which were launched in the early 1920s.

From 1926 however a few straws began to stir in the wind. So far as one can pin-point any particular individual as being the prime mover of the demand for National Parks, the first Lord Bledisloe is usually considered to be this person. He was in fact the owner of extensive property in the Forest of Dean, a sometimePresident (1922-28) of the Central Landowners' Association and Parliamentary Secretary to the Minister of Agriculture between 1924 and 1928. All of this makes it

(1) See, for example the Manchester and District Ramblers' Federation annual handbooks, which first appeared in 1923, and the Journal of the Commons Preservation Society, first published in 1927.
appear the more remarkable that he should have become one of the earliest advocates of National Parks in this country, but his interest seemed to have had two springs. One was his undoubted affection for the Forest of Dean itself; the other was his experience of such Parks during his extensive travels abroad, especially in Canada and South Africa. As a result of what he saw there he was convinced that similar institutions in Britain would be beneficial.

On 24th November 1925 he raised the matter in a speech to the Royal Society of Arts following a lecture from a Mrs. Henshaw, (1) of the Canadian National Parks Association, but this first broaching of the subject produced little immediate response and the next time any consideration was given to it appeared to have been in an article entitled "Wanted - a National Park Department" by S.K. Ratcliffe, which appeared (2) in The New Statesman. In this he suggested that bodies such as the National Trust were too limited in their scope to look after the future of the countryside by themselves, and urged "that the time has come for the final abandonment of all reliance upon local, sporadic and voluntary effort and for the adoption of a considered policy of National Parks".

Time was of the essence, and "among the many things calling loudly for the attention of the Prime Minister there may be some more important, but none more urgent than this." This (3) gave rise to correspondence in both that journal, and also (4) The Nation.

(1) Reported in The Dean Forest Guardian, 27th November, 1925.
(2) The New Statesman, 20th August, 1927 pp. 591-2. (see a similar article by same author entitled "National Parks", in Journal of Royal Society of Art, 20th June 1930, pp. 358-365)
(4) The Nation, 22nd October, 1927.
In October, 1928, the first National Countryside and Foot-paths Preservation Conference was convened at the University College in Leicester. National parks were one of the ways in which it was suggested that the countryside might be preserved, and in July 1929, the Council submitted a memorandum to the Prime Minister asking that an enquiry and preliminary surveys should be made on the matter. It was also agreed that the second such conference, to be held in Manchester in October 1929, would have as one of its major themes the need for adequate provision for National Parks.

Two months after the Conference at Leicester the Executive Committee of the Association for the Preservation of Rural Scotland had discussed for the first time the possibility of establishing a National Reserve in the Cairngorms, and the Association convened a 'round table' Conference in Glasgow on 4th June 1929 at which fifty or so representatives of interested bodies considered the proposal in broad outline. It was agreed at this gathering that the APRS should be responsible for setting up a Committee to make preliminary enquiries and prepare a working paper on the project. All this

(1) Report in Out O'Doors Vol. 3 No. 4 Dec. 1928 pp. i-xx.
(2) Referred to in Mr. Griffin's letter to The Times 12th June, 1929.
(3) The term "Reserve" was frequently used in place of "Park"; throughout this account they are treated as synonyms.
(4) Minutes of Executive Committee meeting on 30th December, 1928 p. 48.
persuaded Lord Bledisloe to raise the matter once again by
writing two letters — one to *The Times* and the other to
Mr. George Lansbury, the first Commissioner of Works — asking
for the government to consider establishing National Parks.

In his letter to *The Times* he emphasised his earlier suggestion
at the Royal Society of Arts, and said that he was encouraged
not only by the initiative shown by the APBS but also by the
support given to it by other organisations and from the public
at large. He then mentioned information which presumably he was
privy to as a junior minister that certain members of the last
government had been receptive to the idea. "Several of the
leading members of the late government warmly approved the
plan — I have reason to believe that for several months before
the General Election its practicality was being thoroughly
investigated in those government departments especially
concerned."

This first letter inspired a lengthy correspondence,
including letters from several eminent public figures such as
Nancy Astor, Lord Border and Professor HAL Fisher. All those
who wrote were in favour of the concept, and most advanced
suggestions for specific areas such as Snowdonia and the
Forest of Dean to be considered. In the period up to 25th July
more than twenty letters were published.

(1) *The Times*, 10th June 1929.
(2) It is hard to substantiate this claim. No departmental
files relating to National Parks precede the setting up
of the Addison Committee.
(3) *The Times* 9th July, 1929.
The day following, on 28th July, the first parliamentary question was raised on the subject. Mr. Vaughan, whose constituency embraced the Forest of Dean, asked if the government was in favour of establishing a system of National Parks. Mr. Snowden, the Chancellor of the Exchequer, replied that the Prime Minister first wished to set up a Committee to investigate the problems involved before he made any decision. A day earlier, on the 24th July, at Parkend in Gloucestershire there had been held the inaugural meeting of the Committee which had been set up to press the claim for the establishment of a National Park in the Forest of Dean. This had resulted from an earlier informal gathering at Lord Bledisloe's residence at Lydney Park on 6th July, at which Bledisloe, Vaughan and officials of the Gloucestershire branch of the CPRE had agreed to concert their efforts to bring about a Park in the locality. Thus the setting up of the first local National Park Committee antedated the Addison Committee by two full months.

The decision by the Prime Minister to establish an interdepartmental committee under the Chairmanship of Dr. Christopher Addison (Parliamentary Secretary to the Ministry of Agriculture) was made on 26th September, although it appears from press comment that the public announcement was delayed until the beginning of October. The Manchester Guardian and The Times

(1) 230 HC Deb 5s 1574.
(2) OP. Cit. 25th July, 1929.
(3) OP. Cit. 9th July, 1929.
(4) See also page 24 below.
both published news items about it on 2nd October. The former newspaper also referred to the matter in an editorial on the same day which was full of praise for the government's action — "it is a welcome lead and we hope that the Committee's Report will carry it forward to the accomplished fact". The Times (2) commented the next day and supported the Committee's purpose also, although not quite as fulsomely as the Manchester Guardian.

The terms of reference given to its members were "to be a Committee, to consider and report if it is desirable and feasible to establish one or more National Parks in Great Britain with a view to the preservation of natural characteristics including flora and fauna, and the improvements of recreational facilities for the people; and to advise generally and in particular as to the areas, if any, that are most suitable for the purpose".

The eight members drawn from government departments interested in the matter were:

- the Rt. Hon. C. Addison (Ministry of Agriculture) Chairman
- Sir R. Greig (Secretary to the Department of Agriculture for Scotland)
- Sir K. Holderness (Home Office)
- Sir J. Sirling-Maxwell (Forestry Commission)
- Mr. H. French (Ministry of Agriculture & Fisheries)
- Mr. A. Gaye (Commissioner of Crown Lands)
- Mr. I. Gibbon (Ministry of Health)
- Mr. F. Kaby (Office of Works)
- Mr. G. Barnes of the Treasury acted as Secretary to the Committee.

(2) The Times 3rd October, 1929.
(3) Command 3881 para, 1.
2. LOCAL NATIONAL PARK COMMITTEES

The setting up of the Addison Committee made the presentation of evidence an urgent matter, as the government looked to the various interested bodies to come forward with material for the Committee's deliberations. At the time of the announcement, Mr. George Lansbury stated in an interview at Brighton that "I regard this as a very big step forward..... It is up to the people who want National Parks to get together (1) and give evidence". Apart from the evidence from national bodies such as the CPRE, the National Trust and the CSFPPS, there were created in several parts of the country Committees whose purpose was to advance local claims.

Altogether the cases for seven distinct areas within England and Wales were presented to the Addison Committee by groups who had organised some manifestation of interest or by an individual collating information received from separate bodies. Four Committees were set up with the sole purpose of establishing local National Parks (in the Lake District, the Forest of Dean, Cannock Chase and Dovedale); of the three others (Snowdonia, the Sussex Downs and the Bowland and Malham areas of northern England) the cases for the two former were each collated by one person and that of the latter was put forward by a group of Town Planning Authorities in the Northwest.

(1) Manchester Guardian 2nd October 1929.
(a) The Forest of Dean National Park Committee.

The Forest of Dean National Park Committee was set up by a group of interested people, some representing local amenity bodies and others in their private capacities, in the wake of Lord Bledisloe’s correspondence with both The Times and Mr. Lansbury. An informal meeting was called at his home, Lydney Park, on 9th July 1929 to discuss its formation and it was formally established a fortnight later on the 24th, at Parkend. It was decided that the Committee should be of a permanent nature, with the aim of persuading the government to establish a National Park in the area. Apart from Bledisloe himself Mr. Vaughan, the local Member, was one of its most influential members. The evidence formulated by the Forest of Dean Committee was presented to the Addison Committee on 4th March 1930 by a delegation comprising Messrs. Vaughan, Harris and Hicks.

(1) The Times 9th July 1929.
(3) Cmd. 3261 Summary of evidence pp. 76-80.
(b) **The Lake District National Reserve Committee**.

This Committee was established as a result of an "extension" of the National Countryside Conference held in Manchester in early October 1929. On Sunday, 13th October, 120 or so delegates (from over sixty organisations) including Mr. Harmer, the Secretary of the National Trust, and Mr. Pepler, Chief Town Planning Officer at the Ministry of Health, gathered in Ambleside to discuss the setting up of a body to present the case for that area. It was decided to form a Lake District National Reserve Committee, its membership to be one representative from each of 12 interested local and national bodies, together with a representative from each of the two Town Planning Committees represented there. This Committee presented its evidence to the Addison Committee on 17th December 1929. In this it acted in concert with the Lake District Rock and Fell Climbing Club who had also set up a sub-committee, with Mr. K. Spence as convener, to prepare a case for a Lake District Park.

(1) *Manchester Guardian* 14th October, 1929.

Not all were in agreement, however; in the same report Mr. Harmer is quoted as saying that "the idea of making a National Park out of the Lake District was altogether incongruous".

(2) *Cmd. 3861 Summary of evidence* pp. 74-75.

(3) Printed as a pamphlet *Lakeland : a playground for Britain* (1930).
(c) The Cannock Chase National Park Committee.

This Committee was formed in March 1930, a preparatory meeting being held on 10th prior to a much bigger conference (1) of all interested parties in Walsall on 20th March. In addition to those who were able to attend every Mayor in the Black Country and South Staffordshire sent a letter of support, as did the four local MPs, John Masefield and Lord Dartmouth. A Committee was elected to prepare a case, which was submitted (2) to the Addison Committee on 12th April, and in addition twenty individuals and organisations wrote separately to Mr. Barnes (3) in support of the proposal.

(d) Dovedale.

The case for the Dovedale area was presented to the Addison Committee at a meeting with representatives of the Derbyshire Rural Community Council, the Stoke-on-Trent City Council and the North Staffordshire Field Club, accompanied (4) by Mr. FA Holmes and Dr. JF Jackson. There was no distinct Committee set up in this area, although at the beginning of February the Rural Community Council had established a sub-committee to press its claims, on the suggestion of its (5) Secretary, Mr. Ramsbottom.

(1) The Times, 22nd March 1930.
(2) Cmd. 3861 Summary of evidence p.94. (There was also a meeting with the Committee on 7th May).
(3) Appendix listing correspondence between 22nd March 1930 and 24th April 1930, Departmental file RLG/53/720.
(4) Cmd. 3861 Summary of evidence p. 79.
(5) Manchester Guardian, 4th February and 7th February 1930. The resolution calling for a Dovedale National Park was passed by DRCC on 5th February, and forwarded to the Addison Committee in a letter dated 15th February 1930.
Earlier, however, the Ashbourne Urban District Council had passed a resolution which called on the Addison Committee to establish a National Park in this vicinity, and the Derbyshire County Council had expressed its support for the resolution. Mr. Holmes from the Buxton Archaeological Society had meantime been collecting relevant material, which was incorporated into the evidence submitted by the Rural Community Council.

(c) Snowdonia

In October 1929 a meeting of representatives of the Association of Welsh Local Authorities was held in Cardiff to discuss the creation of one or more National Parks in Wales, and to put evidence in front of the Addison Committee. Although no further action appears to have been taken by this body, a case for the development of a National Park in Snowdonia was prepared by Dr. Willoughby Gardner in consultation with other interested parties. This was submitted as written evidence in February 1930.

(f) Bowland & Malham

In the North-West of England proposals were made by the Manchester and District Joint Planning Advisory Committee on the suitability of parts of the region covered by the local Regional Town Planning Committees. A preliminary meeting of the surveyors from the different local authorities was held at Manchester Town Hall on 3rd February 1930 to try and find some common ground, and a further gathering of all 21 Regional

(1) Manchester Guardian 16th December 1929.
(6) See Departmental file HLG/52/720.
(7) Manchester Guardian 8th February 1930.
Town Planning bodies was held there on 10th March to formulate definite proposals to lay in front of the National Park Committee. Of these, 17 reached agreement that the Bowland and Malham area and the Dovedale area would both constitute suitable National Parks. (It was agreed also that the case for the Peak District should be supported although this area lay outside their planning control.) As a result of these two meetings proposals were put in front of the Addison Committee and a deputation from the Manchester and District Committee met it on 4th July.

(2) See the resolution passed by Manchester City Council calling for the creation of a National Park in the Peak District. (report in Op. cit. 28th February 1930). 
(3) Cmd. 3851 Summary of evidence pp. 80-84.
3. THE EVIDENCE PRESENTED TO THE COMMITTEE.

Before considering the deliberations and findings of the Committee one must first examine the evidence laid before it which related to the question whether National Parks were either "desirable" or "feasible", and how "the recreational facilities of the people could be improved" thereby.

In broad terms during the period 1919 to 1929 the need for such areas had been advanced for the following reasons:

1. the preservation of unspoilt countryside,
2. the conservation of wild life,
3. the encouragement of health and fitness, and
4. for aesthetic and cultural reasons.

In practice such aims could well be contradictory, but as far as advocating the "desirability" of National Parks for public recreation it was unlikely that any group would think it politic to appear unreservedly opposed to the idea. Naturally the ramblers' organisations spoke out most strongly for public access, while Professor Abercrombie, giving evidence on behalf of the CPRl, held that recreation was the primary purpose of National Parks as he saw them. The Rt. Hon. LS Amery argued that the financial outlay could be justified only by the consequent benefit to the physical, mental and moral health of the nation. Lord Bledisloe himself called the Parks "sanctuaries for human beings". To others they were seen to be

(1) This last point best exemplified in the writings of Dr. Vaughan Cornish.
(2) Cad. 3351 Summary of Evidence p. 72.
desirable for other reasons organisations such as the Councils for the Preservation of Rural England and Wales and the Commons Preservation Society tended to regard National Parks as securing the countryside from spoliation while at the same time absorbing the law-abiding walker in reasonable numbers. The local pressure groups were looking mainly for planning safeguards for their particular areas, especially in such places as the Lake District and Dovedale, and considered the question of access less important except insofar as some economic benefit might result.

The National Trust held that if preservation and access proved to be incompatible, then the latter would have to be restricted within the boundaries of the Parks — a policy already practised in its own extensive properties — but in principle it was agreeable to opening the countryside to the public as far as was possible. Apart from the scientific bodies who wanted small areas of specific importance protected against intrusion, the most rigid opponents of access were the water undertakings, whose case was presented to the Committee through the officials of the British Waterworks Association. Although these bodies were in “full sympathy with the general objects of promoting health and enjoyment”, they argued that water gathering grounds should be excluded from any access agreements. Unfortunately such areas were extensive and lay at the heart of some of the wildest parts of the country.

For example, Birmingham held 46,000 acres in central Wales and Liverpool 33,000 acres in north Wales alone.

(3) Ibid. p. 63.
(4) Evidence given to the Committee by officials of BWA on 29th April 1930. Departmental file HLC/52/717.
In general it appeared that most witnesses assumed that National Parks were "desirable"; even the landowners' lobby "understood that its views were desired as to the means by which preservation of areas might be affected" without disputing such terms of reference. Rather like goodness, everyone appeared to be in favour of the idea.

The main area of argument was the implementation of the principle - the ascertaining of the most feasible method of selecting the areas and then planning and financing their use. On this point there was much conflicting evidence presented to the Committee. Apart from those bodies pleading for individual areas the general statements dealt mainly with such problems as the planning and financial arrangements that should be made, the regulation of use and access, and the structure and powers of the Authority (if, indeed, there was a need for one) to administer the National Parks.

At this point a short digression must be made to consider the framework of Town Planning legislation which existed in 1920. Under the Town Planning Act of 1920 urban authorities were compelled to prepare Planning Schemes if they had a population of more than 20,000 people, and other authorities could be asked to prepare schemes or charged for the cost of the work done for them either by the Ministry of Health or the County Council. Any two or more local authorities could form a Joint Committee which could either be advisory or else have any of the powers the local authorities concerned wished to delegate to it, and the Local Government Act of 1929 enabled

(1) **Cmd. 3951** Summary of evidence p. 39.
(2) See also material in departmental file HLG/32/713.
County Councils to act jointly with local authorities to
(1) establish such committees. The Schemes drawn up by these
Committees related mainly to land scheduled for building
or areas adjacent to such land. Regional Schemes covering
large tracts of land could be established under the 1925 Act
if land-owners were willing to co-operate, as they had done
in schemes drawn up for the Lake District and the South Downs.
Usually however the areas most likely to be designated as
National Parks, because they were wild and remote, would tend
not to fall under the statutory provisions of the 1925 Act and
would also escape the voluntary sort of Regional Scheme. The
absence of any effective "country" planning (the first time this
term was included in the title of planning Acts was in 1932)
(2) and the lack of any specific Minister of Planning meant that
any policy aimed at planning National Parks on a country-wide
basis would be the first of its sort to be formulated.

Apart from effective large-scale planning, another problem
which faced the Addison Committee was the financing of National
Parks and the compensating land-owners for public access to
their property. This latter point was particularly important
once it became clear to Dr. Addison himself that the outright
purchase of large areas was neither possible nor desirable.
The Committee therefore had to determine how to plan for public
access and how to devise the cheapest way of doing this within
the context of existing legislation.

(1) By 1931 there were 42 Joint Town Planning Committees
with executive powers, and 61 Advisory Committees in
existence. (Cmd. 3851, para. 23)
(2) Up to 1939 the responsibility for town planning fell
to the Minister of Health.
The precise limits of access (e.g., whether it was to be year-round, or if certain areas such as the neighbourhoods of reservoirs were to be permanently excluded) were also disputed. One school of opinion argued against unrestricted access on grounds which included damage and vandalism, fire hazards, the risk to game, the threat of water pollution and the destruction of scenic beauty. Against these arguments the "access" lobby reasoned that planned access over wider areas would relieve the strain on the popular spots then open to the public, and that local bye-laws would give land-owners and particularly water undertakings more security than could be possible when unauthorised trespassing took place. Comparison could be made here between the relative security of both land-owners and walkers in the Lake District and the bitterness and quarrelling which went on in the Peak District.

The final point which had to be considered was the precise nature of the Authority which would have to supervise the National Parks if they were created. Was it to be an executive or advisory body; was it to be one national body or a series of locally-based ones; was it to have control over its own finances; was it to be a separate government department, a function of the Ministry of Health, a public body similar to the Forestry Commission or the BBC, one constituted from local voluntary associations, or a private institution taking the form of an expanded National Trust? Although such an Authority would be concerned with other matters apart from access it is important to analyse the forms and functions suggested as the successful implementation of the principle of National Parks lay with such a body.
(a) **Evidence presented on the planning of National Parks.**

In his evidence to the Committee on behalf of the CPRE which he gave on 3rd December 1929, Professor Patrick Abercrombie suggested that radical changes in planning must be made to secure National Parks. He saw them as a constituent part of a wider National Plan which would embrace water resources, forestry, roads and electricity supplies. The areas of the Parks should be selected in relation to the major centres of population, and both they and their surroundings subjected to a single Regional Planning Scheme made statutory under the 1926 Town Planning Act. He thought that the purchase and administration of land within these areas was

(1) A note of explanation should perhaps be added here. Although the Report of the National Park Committee appended a summary of the evidence submitted to it, some considerable space is devoted to an analysis of much of this material for two reasons. One is that its full significance can only be indicated if one takes into account also the contents of the relevant departmental files (written evidence was not summarised, for example), and information found in the journals of various societies and from other sources. Second, as this work is concerned with particular aspects of the Committee's deliberations as indicated in the headings, an attempt has been made to collate and systematise the relevant information which in the Summary can only be traced under different dates and from separate bodies or individuals.

(2) **Cmd. 3851 Summary of evidence pp. 56-57. Also reprinted in booklet form by CPRE, March 1930.**
neither necessary nor desirable.

The Town Planning Institute's representatives, who gave evidence on 4th February 1930 also saw no need for state ownership; rather they thought that an extension of Regional Planning would suffice, with the Committees given certain additional executive powers. Such an arrangement would necessitate a nationwide scheme of open spaces and parks. Similar views were stated by Mr. Unwin, who was Chief Adviser to the London Regional Town Planning Committee, when he appeared in front of the Committee on 19th November 1929.

It was interesting that none of these expert witnesses saw the need (or perhaps the likelihood) for a separate National Park Act, or even a radical re-casting of the existing planning legislation. The only reference to a specific Act was made by the deputation from the Manchester and District Joint Town Planning Advisory Committee. "It considered that the present powers of the Town Planning Act are not adequate (1)

Professor Abercrombie's evidence to the Addison Committee was developed further in an address which he gave to the delegates of the corresponding societies of the British Association for the Advancement of Science at Bristol in 1930. He described the ways available for setting up National Parks, administering them and financing them. In particular he gave thought to the reconciling of the different purposes of such areas. His solution was the division of such areas into three zones, approximately along selected contour lines. The first would be the highest and most remote land where development was unlikely and where unlimited public access might be permitted. The second would be lower areas, often cultivated land, to which access would have to be limited. The third would embrace towns and villages, populated areas which would fall within the planning controls of the 1925 Act. (This suggestion for "zoning" National Parks was one which was also put forward in relation to the Lake District later in the campaign)

(The British Association conference, 4-9th September, 1930. Report of proceedings pp. 441-448.)

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to enable proper control to be exercised as affecting National Park areas, and that a special Act of Parliament should be passed providing for the acquisition within a stated period of years of selected areas, and in addition providing for the immediate control of selected areas scheduled to the Act;". Another local body, the Cannock Chase National Park Committee, stated that the particular complications in their area (i.e. the mineral rights of the land-owners) could not be resolved through a Regional Planning Scheme - "It is not considered practicable to achieve the purpose in view by a Regional Planning Scheme" - and the Lake District National Reserve Committee advocated a Local Act of Parliament aimed at preserving their region.

The efficacy of Regional Planning Schemes in preserving National Park areas was a matter of disagreement. It was pointed out by the Lake District Committee that "regional planning" in its area meant in fact three Joint Town Planning Committees, and that because of the inevitable jealousies and lack of co-ordination little progress was being made. It also made the interesting point that most Park areas, because of their upland configuration, would suffer a similar disadvantage for such areas formed natural watersheds and local authority boundaries tended to follow these physical features. Thus they were fragmented from a planning point of view even

(1) Ibid. pp. 81-82.
(2) Op. cit. p. 84.
though they might constitute distinct geographical regions. Snowdonia and the Pennines were cited as two other examples.

Proposals submitted in a letter to the Committee by Mr. P. Thomas, the senior mathematics master at the Royal High School Edinburgh, were for a thorough-going course of national action through an Act which would set up a Commission of "disinterested men of taste" responsible to parliament for securing progressive control of scheduled areas, culminating in outright purchase if possible. Another private individual to submit detailed proposals for the planning of National Parks was a Mr. Ewart James, in a letter dated 18th October 1939. He listed eleven points of detail and concluded with some more general considerations on the problems of planning. This he construed as "orderly development", while National Park planning was "a veto on all development", so he argued for the separating of the two functions and the allocating of the latter to a national body financed directly by the Chancellor of the Exchequer.

(b) Evidence presented on the financing of public access.

The financing of access in National Parks seemed to excite much more controversy amongst the bodies and individuals submitting evidence. For convenience this question may be looked at from two aspects: first, was there any need for purchase or compensation, and secondly, who should buy the land or compensate the land-owner if this was deemed necessary?

(1) Letter of evidence to Committee, departmental file HLC/52/718.
Lord Bledisloe asserted that the landowner should not be compensated at the expense of the public, and certainly that no claims for compensation of future value should be entertained. He suggested that long (i.e. 999 year) leases could be an alternative to acquiring freeholds in those cases where owners wished to protect mineral rights. Mr. Unwin maintained that under Regional Planning powers one owner could compensate another because betterment and worsement, which in effect stemmed from the transference of values, would equalise themselves over a large area. The Town Planning Institute agreed with this argument. It held that it was ridiculous that all land should be treated as putative building land and that when building was forbidden (e.g. by reserving land as a permanent open space) the public should be called upon to compensate the owner. Where loss occurred it was the incidence of ownership and not the planning mechanism which caused it, and there should be a scheme for the pooling of gains and losses. The Rt. Hon. LS Amery also feared that owners might try to exploit any compensation arrangements for their own profit and he suggested a fixed date (1st January 1930) as a quantum line for the assessment of compensation. Abercrombie also argued that where heavy claims for compensation

(1) Evidence given to Committee on 4th October 1929. Departmental file HLC/52/717.
(3) Evidence given to Committee on 4th February 1930. Departmental file HLC/52/719.
(4) Evidence given to Committee 16th December 1929. Departmental file HLC/52/717.
could not be avoided the councils of large urban areas adjacent to the land in question, or even the central government, should contribute towards meeting them in order to prevent heavy burdens falling on remote rural authorities with low rate incomes.

Against these arguments the land-owners' representatives from the Central Land-owners' Association, the Surveyors' Institution and the Land Agents' Society who met the Committee on 2nd April 1930 put forward the view that, although access land did not normally have a high agricultural value, it did in some instances provide income in the form of rents and rates for shooting rights, and in other cases it held prospective value for minerals or as water gathering grounds.

In cases where these factors combined to make land valuable it was felt that the National Park Authority should buy such land outright, with or without the reservation of mineral rights. In other cases where the interests of the owner were not seriously jeopardised then an easement for right of access by the public could be acquired. This would allow the owner to retain ordinary rights of ownership and management. If the exercise of these rights (e.g. selling the land for water catchment) were detrimental to the access of the public then the Authority could have the right of veto or modification on payment of extra compensation.

Two final conditions were that certain areas of high risk such as young plantations should be excluded from any easement, and that owners should be indemnified for damage, fire or other losses on access land.

(1) Cmd. 3851 Summary of evidence p. 56.
The various Associations of local authorities that gave evidence through Sir Percy Jackson on 18th March 1930 were rather less concerned with compensation arrangements than the other aspects of National Parks, and merely stated with emphasis that no local authority within whose boundaries a Park area might lay should be forced to contribute in any way to its cost. There was no objection to discretionary powers being granted and it was accepted also that large urban authorities could be expected to help meet such costs.

It is interesting to turn from such general statements on the principle of compensation for access to the evidence received by the Committee from Sir Charles Gott on 2nd April and the 14th May 1930. To clarify the problem Sir Charles was asked at the first meeting to establish the minimum procedure necessary to obtain what was required (i.e., a wide measure of public access to private land), and to make approximate valuations of three notional areas selected from a list of those suggested. On 14th May Dr. Addison asked whether the two different methods of securing control over land, either under the normal planning procedures or in the manner suggested by the land-owners' representatives, were both feasible and which one was to be preferred. In reply Sir Charles distinguished between securing control without access and with access. In either case he felt that there were no grounds for postponing the payment of compensation as suggested by Mr. Eve (of the Surveyors' Institution) and was of the opinion that it would have to be assessed and paid on a "once and for all" basis rather than being left upon contingent development in the future.

(2) Minutes of meetings. Departmental file HLG/52/717.
Sir Charles was the Chief Valuer of the Board of Inland Revenue.
If access was required across land it was better in his opinion to purchase the land outright and not merely buy a right of access; in fact he doubted whether it was possible to buy such a right in perpetuity. Sir Charles, in reply to a question from the Chairman, agreed that it was possible to lease a right of access on the basis of a general agreement. However, there were still difficulties in this because it could not be secured compulsorily and there was a difficulty in determining compensation in such an unusual situation. If needed, recourse could be made to arbitration.

Mineral rights posed other problems. If the owner kept such rights without condition it was tantamount to defeating the accepted purposes of National Parks, while the very size of the compensation made it virtually impossible to consider buying them up. Even the imposition of protective restrictions would be of little advantage in his opinion as these would constitute an "undefined liability" on the Park Authority. Though the prohibition of mineral workings was possible under a Town Planning Scheme without the payment of compensation (to prevent danger to houses, or loss of amenity, for example) he felt that it would be difficult to justify such powers in remote upland areas.

The Committee then questioned Sir Charles on the subject of betterment. In theory it was possible to levy it he stated, but in the case of National Parks it would be difficult to substantiate any such claims - in his opinion a more cogent case could be argued for worsement. Dr. Addison finally raised the matter of the valuation of sporting rights and the amount of compensation needed to secure public access to grouse moors. (1) Normally such areas were valued on the net rental income, but if

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(1) See foot-note (2) on page 21 below.
compensation was only assessed for the damage caused to the moor rather than for the complete loss of shooting rights then Sir Charles thought it would only amount to the cost of extra keepers required to minimise the damage.

By July 1930 the valuation figures requested had been published by the Superintending Valuers, and although they embraced other costs apart from purchase or compensation for access (e.g., the cost of purchasing of building controls), they are illuminating in that they gave the first indication of what National Parks were likely to cost if they were to be established. Snowdonia, the Cornish coast and the Peak District were the three areas selected and the figures calculated were as follows.

To secure Snowdonia against spoliation and give a wide measure of public access it would cost £105,000 for 42,000 acres, or £232,000 for 73,000 acres, or £460,000 for 130,000 acres. In each case these valuations excluded mineral rights and vested or controlled lakes. In a Cornish coast National Park it would cost £35,000 for the acquisition of 5,500 acres of cliff-land, while the purchase of building controls over another 10,000 acres of the hinterland would amount to a further £20,000. In the Peak District, control of the whole area would require an expenditure of £668,000, or if the central 20,000 acres of moorland only were considered, a total of £218,000. The acquisition of easements over the moors was estimated to cost £150,000.

(c) **Evidence presented on the regulation of access.**

Several bodies presented views on what they thought should be the scope and limits imposed on access. In general the open air organisations had always assumed access to embrace only walking or climbing for exercise and enjoyment, or else the observation of flora and fauna. It was not to include camping, sports, collecting specimens or hunting. Any or all of these activities could be made offences under appropriate bye-laws, if indeed they were not already misdemeanours. Damage to property, fire-raising or the polluting of water sources were clearly offences of which no self-respecting nature-lover would be guilty. Thus the various rambling federations in their evidence stated that camping, lighting of fires and way-marking should be regulated with the approval of the appropriate Crown Minister, but that otherwise access to National Parks should be on similar terms to those set out in Section 193 of the Law of Property Act, which applied to common lands. This Section established the right of access for air and exercise only and expressly forbade any other (1) activities.

The Commons Preservation Society sought the extension of this same provision to all rural commons and the laying of all such areas under Regulation Schemes drawn up by the local council, which had the power also to enforce bye-laws. Such an arrangement would not require the buying of the rights of the Lord of the Manor or the commoners. Where water catchment areas lay in National Park areas and where they were not already open to the public as many already were through clauses (1) **Cmd. 3851 Summary of Evidence p. 73.**
inserted in the relevant local Act, then the water authorities should either agree to carefully-regulated access, or at the very least grant defined public rights-of-way across them to facilitate access to other areas. A similar policy should be adopted towards Crown Lands and military training grounds in National Park areas. Access to private land should be established by co-operation between the owner and the National Park Authority, whereby access would be allowed in return for schemes of regulation.

The British Waterworks Association, however, attacked any idea of public access to water gathering grounds; it asserted that even the "Birmingham Clauses", although acceptable under the conditions of 1892, were now a dangerous anachronism. It insisted that the purity of water was of the first importance — "the public disliked it doctored" — and that except in a few remote areas public access was inimical to this. Indeed, some water authorities had taken steps to clear off existing tenants, much less tolerate new intrusions. Regulation schemes were the minimum safeguards that should be enforced; preferably the public should be made to follow defined rights-of-way or banned completely. The Manchester and District Joint Town Planning Advisory Committee stated similar views on the need to protect the water catchment areas in the Forest of Bowland.

(1) See page 9 above.
(2) Cmd. 3881 Summary of evidence pp. 98-103
(4) For example, between 1911 and 1918 Bolton Corporation had evacuated 28 farms in their Pennine catchment areas.
Few other bodies concerned themselves with the regulation of access. The two predominant attitudes seemed to be either that in the most popular areas such as the Forest of Dean, Cannock Chase and Dovedale a great amount of public access was already taking place and therefore the establishment of National Parks in these areas could only improve matters, or that access to the more remote areas was unlikely to pose a problem which could not be tackled by the Authority itself.

The Manchester and District Ramblers’ Federation suggested that wider access would help to lessen the overcrowding and damage inflicted in the more accessible parts of the Peak such as Hayfield, Hope and Edale.

The matter of common land within the likely areas of the National Parks was discussed by the Committee in light of the evidence given the CosFPS earlier. It was agreed that a survey of common lands did not fall within its terms of reference, and that it could only recommend the desirability of such a survey and not how it ought to be carried out. Mr. French from the Ministry of Agriculture thought that the total cost would amount to £50,000. He also pointed out that the suggestion from the Commons Preservation Society and rambling organisations that Section 193 of the Law of Property Act should be made applicable to all rural commons would only ensure their regulation, and not confer free access for air and exercise. Such rights already existed. If owners were opposed to regulation then the Committee felt that a National Park Authority should compulsorily acquire these interests, but that these powers were not to put the Authority in any more favourable position than other bodies such as water undertakings.

Local authorities could either hand over powers of regulation to the Authority or else act as its agents or nominees.

(1) Cmd. 3881 Summary of evidence, p. 73.
(2) Minutes of meeting on 14th July 1930, Departmental file HLO/62/717.
Evidence presented on the structure and powers of the National Park Authority.

Although the Committee itself spent considerable thought on the question of how to run National Parks, surprisingly little firm evidence was presented on this point. Of the national bodies only the Associations of local authorities, the Art Workers' Guild, the COSFPS and the National Trust made anything more than a perfunctory reference to it. The National Trust wanted a strong Authority not only to buy land and maintain the Parks but with powers also to encourage and support the movement for preservation throughout the country. The government should be "induced to set aside a considerable sum annually" for this purpose, yet it was hinted strongly that the best sort of Authority would be an extended and re-organised National Trust. The local authority Associations also suggested that a body similar to the Trust, supported with a government grant, was the most suitable arrangement. The Commons Preservation Society saw the requisite knowledge and experience needed by such an Authority reposing within a voluntary body of long standing, and saw positive public advantages in it not being an appendage of a government ministry, even though it would receive its incomes from government grants. Both the National Trust and the COSFPS made the point that the powers of a body supported by voluntary contributions was by this very fact destined to be of a lower magnitude than one financed from central sources.

(1) Cmd. 3851 Summary of evidence pp. 54-55
The scheme proposed by Mr. Williams-Ellis was an attempt to establish National Parks as a sort of hybrid, reconciling the public enjoyment of the open countryside with continued private ownership and avoiding the need for compensation payments. The essence of his plan was for private owners to combine their individual holdings into a limited company and from this investment of their land they would draw out an income in the form of rent and betterment in proportion to their original holding. If an owner wished to sell his land it was to be offered to the company first, before going upon the open market. Because the total losses and gains of value would be equalised throughout the National Park such a scheme would do away with any need for compensation or acquisition of land by the State and leave private ownership largely untouched. It would however ensure preservation and a degree of public access as Mr. Williams-Ellis assumed (possibly quite erroneously) that the owners themselves would be the most zealous guardians of the land, and would accept the concomitant restrictions, bye-laws and zoning as in their best interests.

4. THE DELIBERATIONS OF THE NATIONAL PARK COMMITTEE.

The discussion within the Committee resolved itself fairly quickly (by February 1930 in fact) about methods whereby access could be facilitated by planning (as outright purchase of all access land was considered completely beyond what the government would accept), the resultant problems of compensation and procedure, and what form the National Park Authority should take.

As far as planning was concerned the Committee had before it a memorandum from the Ministry of Health dated (1) 29th October 1929 summarising the working of the 1929 Town Planning Act which authorised the making of plans "for land in course of development or likely to be developed", and under which, if land was reserved as either public or private open space, an owner could claim compensation. However, if the owner's area was large enough a balance could be struck whereby development might be allowed in one part and forbidden in another, thus obviating the need for compensation. Even if this was not possible compensation could be reduced by levying 50% of any betterment on land which was increased in value under the scheme. The main problems about owners signing voluntary undertakings were the problem of binding their heirs to the observe the settlement, and also what would happen when such heirs were faced with the sudden imposition of death duties. As such "sterilising" of open space was partly for the benefit of future generations there was also the

(1) Memorandum from Ministry of Health. Departmental file HLG/32/718.
difficulty in persuading local authorities to increase their 
rate burden for such a long-term aim. Nor did any satisfactory 
scheme exist for one local authority to help pay for land 
lying in another's areas. Also, quite apart from compensation, 
the actual cost of the Town Planning process had to be 
considered - Mr. Ewart James in his letter to the Committee 
(1) had estimated this to average around £50 per 1,000 acres. 
(2)
Mr. Carney, meeting the Committee on 5th March 1930, 
explained that it would be difficult under existing law to 
(3) waive death duties on land open to the public. Sir Charles 
Gott was then called before the Committee to present evidence 
(4) on the costs involved in compensating for access, and on ways 
in which this cost could be lessened. Sir Ernest Holderness, 
the Home Office representative on the Committee, expressed 
the view at its 25th meeting that all the evidence he had 
heard pointed to the paramount need for preservation rather 
(5) than for securing access. He felt that the public already 
had "a wide measure of access" through common lands and local 
agreements with landowners, and saw no need to increase such 
facilities. In general, however, the members of the Committee 
were sympathetic towards the principle of increased public 
access. Mr. Gibbon of the Ministry of Health argued for a 
(6) separate national Town Planning Scheme to develop National Parks.

(1) Letter to Committee 18th October, 1929, op. cit.
(2) The Commissioner of Inland Revenue.
(3) Minutes of meeting, Departmental file HLG/52/717.
(4) See the account of his evidence on pages 37-39, above.
(5) Minutes of meeting (undated), op. cit.
(6) Memorandum to Mr. Simpson, Ministry of Health, undated, 
Department file HLG/52/719.
This would overcome the difficulties of local authorities trying to perform the task piecemeal through Regional Schemes and allow a wide degree of access while still keeping acquisition of land to a minimum. The problem was that such a purpose did not fall within the scope of the powers of Town Planning and would alienate many local authorities by seeming to override their interests, whilst at the same time allowing them to pass off much of the trouble and expense onto the central government.

Mr. Gaye, representing the Commissioner of Crown Lands on the Committee, was very concerned by such a possibility of a National Authority owning land or controlling planning in areas where access was likely. His reservations stemmed from the open

(1) Reply to Mr. Gibbon's memorandum from Mr. Simpson, undated. Mr. Gibbon was also involved in some more specific enquiries with Mr. George Pepler, the Chief Town Planning Officer of the Ministry of Health, concerning the possibility of bringing about effective planning through Regional Committees. On 21st February Pepler wrote to him pointing out that in his opinion the North Wales Joint Committee was not working properly - "one can readily work up enthusiasm at meetings but no-one on the spot seems willing to push the thing along". Gibbon replied on the 26th asking Pepler if he could make discreet enquiries amongst members to ascertain how a really active Joint Committee could be created. After an exchange of further letters Pepler was given permission to try and draw up an effective Planning Scheme for Snowdonia, although by the time the Addison Committee had reported little progress had been made in this venture.

See correspondence in departmental file HLG/52/720; the problems of planning in North Wales can be traced on pages 111 to 113 below also.
spaces held by the Crown such as Richmond Park, and Windsor Great Park and related to the question of public behaviour.

In a letter to Dr. Addison on 14th July 1930 he wrote "I can see no improvement in the last thirty years.... On the contrary, selfishness and indifference to the rights and comforts of others seem to me to be more active and general today than ever before."

An additional complication when it came to determining what procedures would be necessary for access was that the Labour government had decided to introduce new planning legislation. The likelihood of a new Act was not often referred to in the minutes of the Committee except that Mr. Raby from the Office of Works alluded to procedures under the new Town Planning Bill which would make "progress slower than now".

Otherwise the Committee seemed to regard the framework of the current 1926 Act as sufficient for their terms of reference, rather than make suggestions based on the provisions of a new Bill with a problematic future.

Most of the Committee's discussion revolved round the nature of the National Park Authority and its powers, and here opinion was particularly divided. At the one extreme several members, particularly Mr. Gaye, saw such bodies as the National Trust and the Commons Preservation Society as better suited to

(1) Letter in departmental file HLG/52/720.
(2) Eventually to be the Town & Country Planning Act of 1932.
(3) Minutes of 25th meeting of Committee, undated.
Departmental file HLG/52/717.
(4) See reference made in Report to this matter.
Cmd. 3851 para, 82.
undertake the establishment of National Parks because they were well experienced in matters of amenity and access, were politically independent and free of government bureaucracy and therefore not likely to alienate public opinion. Against this there was the difficulty of financing these bodies from voluntary sources - Sir Lawrence Chubb stated in evidence that the maximum scope of voluntary efforts for the purchase of land would in his opinion be limited to between £50,000 and £100,000, and then only once every few years. It was suggested that government grants could be made but there were difficulties in this. The National Trust was not an "impartial" body in the eyes of some of its rivals and if it were granted financial support there would be great difficulty in turning aside the claims of others.

Failing this arrangement, Gaye thought that the Authority should have a "consultative and advisory" function only, rather like the Royal Fine Arts Commission. It would be able to recommend grants to local bodies but not able to disburse any monies of its own. He emphatically opposed any idea of creating a fully-fledged government department with powers of acquisition and planning, and with representation in parliament. Sir Ernest Holderness held similar if less dogmatic views on the danger of

(1) Letter from Mr. Gaye to Mr. Addison expressing reservations, April, 1931. Departmental file HLG/52/721; also Cmd. 3851 p. 44.
(2) Cmd. 3861 Summary of evidence p. 102.
(3) Letter from Mr. Gibbon to Sir Percy Jackson of the County Councils Association, 13th February 1930. Departmental file HLG/52/719.
(4) Minutes of meeting 13th October 1930. Departmental file HLG/52/717.
wider public access and thought that the question fell into two parts - the provision of (a) national reserves, and (b) local reserves. The Committee was concerned with the first sort, and Holderness was worried lest the powers given to a National Reserve Authority would adversely affect local authority functions - this he thought was to be avoided. Mr. Gibbon agreed that the drawback of a central body could be its ineffectiveness in drawing up planning schemes because of its lack of local knowledge. Most of the remaining members agreed that some kind of central body should be set up with sufficient expertise and financial resources, although Gibbon wondered whether, with limited funds, there was a need for any separate body or if the money available should instead be channelled through the appropriate ministries, who would presumably exercise the planning and acquisition functions also. (Such an arrangement seemed to involve possible clashes of function, as might occur in the Ministry of Health for example between making access land available in the Parks and the need for allowing increased water abstraction.) An earlier decision that the administration should be split up into one body in Great Britain for distributing money and two subsidiary ones (for England and Wales, and for Scotland) for spending it was soon shelved as being unnecessarily cumbersome and wasteful of resources.

Although one national body appeared as the most obvious solution there was still its exact nature to determine. Should it be established in a similar form to the BBC and have a large degree of autonomy, or else in a form comparable with the local water undertakings? The difference between the prospective National Park Authority and such private undertakings Mr. Gibbon (1) listed as:

1. the Authority would be formally appointed by the government.
2. it would have compulsory acquisition powers, and
3. it would have its own monies.

Finally comparison was made with the government-appointed Water Advisory Committee, but Dr. Addison himself was adamant that an executive body was essential to develop policy and procedures on a permanent basis. "It would be a mistake to recommend an invertebrate body with no powers of initiative". (2)

Up to the penultimate meeting of the Committee on 15th December 1930 no clear agreement had emerged about the role of the Authority. The discussion even went back to the most fundamental question of all - why was there a need for one? The general opinion was that the Committee's task was to recommend such a body (although this was not explicit in the terms of reference), and more simply that there was no other practical way of establishing National Parks as far as the members could see. Mr. Gaye still voiced his opposition, insisting that all the necessary benefits of a National Park Authority could be obtained through Joint Town Planning Committees, and Dr. Addison did agree that until a National

(1) Suggestion made by Mr. Gibbon, in minutes of meeting on 16th December 1930. On. cit.
(2) Ibid.
Park Authority was set up then an extension of planning powers would provide a useful advance. (1)

The final evidence from an outside body had been given to the Committee in July 1930, and on 3rd November Mr. Chuter-Ede put down the first of a series of parliamentary questions from Members who were interested in Committee's findings, asking when it would be published. Addison himself appeared concerned over the length of time it was taking to arrive at an agreed draft. The feeling expressed through Mr. Barnes, the Secretary to the Committee, was that a Report with no minority conclusions or amendments should be agreed if at all possible. However Gaye proved obdurant in his opposition to the need for wider public access, the constitution of the central Authority and also the spending of money on the purchase of access land and the building of overnight accommodation, as he thought that this would amount to the unfair subsidising of one particular form of recreation by the tax-payer. Therefore it proved necessary to append these Reservations to the main Report. (2)


(2) 244 HC Deb. 5s 478-8, For other Questions, see Appendix 2. The Times, on the other hand, did not consider the delay in publishing the Report excessive. Commenting in a leader on the renewed agitation at that year's British Association meeting it considered that the "members of the Committee are engaged in solving these riddles and the delay in issuing their Report will cause no surprise". (10th September, 1930).

(3) Letter from Mr. Barnes to Committee members, 10th April 1931. Departmental file HLG/52/721.

(4) Letter from Mr. Gaye to Dr. Addison, April 1931. Op. cit. Cmd. 3881 pp. 44-45. (Mr. Gaye was not alone in these views - on 23rd April Capt. Henderson the M.P. for Henley spoke to the T.P.I. on the damage and vandalism in open spaces - he "questioned whether the general public is sufficiently educated to own National Parks" - Report in Manchester Guardian 24th April 1931.)

(5)
The impatience which Addison showed over its detail was partly owing to the fact that he wished the Report to be published before Budget Day (27th April), which in effect meant that it had to appear by Friday, 24th April. If it did not meet this deadline then it would most likely be held up by congestion caused by the printing of the Finance Act. As time dragged on into April Addison requested Barnes to circularise the final draft and ask for any amendments between Friday the 10th and Tuesday the 14th, a move which did not please the other members of the Committee judging by their comments. In the event, apart from Gaye's Reservations, the published Report was in no significant way different from the first draft prepared by the Chairman. It was eventually published on Friday 24th April, and made public a week later, on 1st May.

(1) Letter from Mr. Barne to Committee members. Departmental file HLG/32/721.
5. A CONSIDERATION OF THE FINDINGS OF THE COMMITTEE.

A brief summary of the findings of the Committee on the part of its task which concerns this thesis is necessary here to indicate the conclusions drawn from the evidence submitted and its own deliberations.

The Committee felt that the question of access did not "present the same urgency" as the need for preservation. It felt that the land-owners were "generally liberal" in allowing access, and where it was limited this was because it would be "inconsistent with the use to which the land is put". Adding together Forestry Commission land, the holdings of the Commissioner of Crown Lands, rural commons and the areas of privately-owned land open to the public as in the Lake District and the South Downs "the nation as a whole has a generous measure of access". The only problem the Committee saw was that such access opportunities were not evenly distributed.

To rectify this problem it did not contemplate any widespread acquisition of land because this would be financially impractical, but assistance for improving public access should be given through the purchasing of easements where possible or the outright purchase where no other alternative existed.

Generally it felt the improvement of access for the public would be gained by the implementation of Planning Schemes.

As far as planning went, it was felt that the various aims of the National Parks could best be achieved through expanded Schemes which would embrace all distinct geographical areas,

(1) Cmd. 3851 para. 16.
(2) Ibid.
(3) Ibid.
(4) Ibid.
(5) Ibid.
(6) Ibid.
whether likely to be developed or not, and which should be administered through Executive Regional Committees. In addition a minority of places on each Regional Planning Committee should be reserved for co-opted representatives of local amenity groups, and frequent consultations should take place with such groups. If local authorities could not bear the full cost of an effective scheme themselves some financial aid should be made available from central funds.

These proposals led on to the Committee's recommendations for a National Park Authority. It was felt essential to have a central body to (a) formulate a nation-wide policy, (b) define individual areas, and (c) stimulate local authorities to co-operate with each other in the formulation of schemes. Two bodies were recommended, one for England and Wales and one for Scotland, which could work with local authorities to meet the planning conditions indicated in the preceding paragraph by making available expert advice and also paying where necessary towards schemes and meeting the cost of any compensation which might have to be paid. If the present planning methods were not thought likely to work then the Committee suggested as an alternative the granting of restricted planning powers to the Authority itself, subject to the consent of the Minister of Health, sufficient for the securing of National Parks. However this was to be "faute de mieux" - if at all possible local authorities should be given a significant voice in setting up the Parks because so many of the consequent problems would affect their other functions closely.

(3) Op. cit. para. 27.
Another alternative was the scheduling of remote areas where development of any sort was unlikely. This process would involve the Authority negotiating agreements with land-owners which would preserve the existing features and open aspect of the land; such arrangements would, it was hoped, circumvent the lack of a formal planning arrangement and also cut to a minimum the amount of compensation likely to be claimed. This was presumably on the basis of generosity by the owner in the posture of a "good citizen", but also on the ground that no claim for compensation could be sustained for such remote, inaccessible land anyway. In other cases the Authority might give grants to "appropriate bodies" such as the National Trust, where their work was in sympathy with the aims of the Authority.

Finally, if all other methods failed, the National Park Authority might have to acquire land outright or purchase easements and restrictions on the use of the land.

To set up effective central bodies the Committee thought that they should have a yearly income of £100,000, of which £50,000 to £10,000 would be spent on the running of the Authority. The Committee felt that any figures were "bound to be conjectural" and it suggested that such an income should be guaranteed over a period of five years - totalling £500,000 altogether - by which time presumably the major expenses in setting up National Parks would have been met. It was also suggested that as the work of the Authority would take some time to gather momentum its finances could best be thought of as a capital sum.

(1) Ibid.
(2) Ibid.
(3) Ibid.
(5) Ibid. (It must be remembered that such resources were intended for much else besides the extension of public access to open countryside).
The Committee also recommended a second, cheaper, scheme which it felt might be more acceptable in light of the economic situation. This involved the minimum expenditure of £10,000 (1) per year. The formulation of National Park Policy in England and Wales was to be left in the hands of the Minister of Health, who in turn would leave the execution of the policy in the hands of the local authorities, offering advice and guidance where necessary. An advisory body analogous to the Royal Fine Arts Commission, whose members would serve in an honorary capacity to keep its expenses to a minimum, should be appointed to advise on questions of rural amenity.

Under the first scheme each Executive Authority should consist of five members (none from interested bodies) appointed by "His Majesty by Warrant under the Sign Manual" and they should serve for five years in the first instance, although able (2) to be re-appointed if desired. Only the Chairman was to be paid (3) more than his expenses. The services of technical experts might be obtained on an "ad hoc" basis from government departments.

In addition to these executive bodies there should be a central co-ordinating committee appointed to hold the balance between them. It was suggested that this should consist of three members from England and Wales, two from Scotland and one from the House of Commons, drawn from the government party. Distinct from these bodies it was also thought desirable to appoint two Consultative Committees for co-operating with (6) national and local voluntary bodies.

The Committee justified these recommendations by pointing out the problems which would ensue if such functions were given either to expanded voluntary organisations or to a government department. In the former case it was undesirable that an essentially government policy should be associated with any one organisation, to the exclusion of others. In addition the implementation of such a policy, depending as it did on working closely with local authorities, was thought to be beyond the experience or purpose of most voluntary bodies. A government department was not appropriate either as the National Park policy might compromise or be compromised by the department's other activities, as well as not allowing the degree of autonomy and independence which the Committee thought it necessary for the Authority to have. An Advisory Committee with neither funds nor powers of initiative would not have the energy or public acceptance to perform its task satisfactorily. It was only if a small sum of money was forthcoming that it was considered appropriate to give a government department such powers.

The Committee also paid attention to the position of common lands in relation to National Parks, partly because of their large extent (estimated at between 1,600,000 and 1,750,000 acres in England and Wales) and partly because much of it lay within likely National Park areas. It recommended that where possible all such common land should be regulated under Section 193 of the 1925 Law of Property Act. Such regulation required

(2) Ibid. sub-para. (3).
(3) Ibid. sub-para. (4).
(4) Ibid.
the agreement of the Lord of the Manor, and if it was not possible to obtain this the Authority should have the power to purchase his rights either by agreement or by compulsion at a price fixed by the Official Receiver. In a similar fashion the Authority should be able to purchase the Lord of the Manor's access rights. Regulation might be vested in the central Authority by the local District Councils, and in turn this control might be passed on the local Park Committees.

Finally the Committee considered the recommending of individual areas suitable for National Parks, but deliberately gave little guidance, although its terms of reference invited it to do so. It gave four reasons for such reticence:

1. that individual proposals should not come before the establishment of the general principle,

2. that the National Park Authority should not be held to any areas proposed by the Committee as the latter could not be aware in all cases of the peculiarities of ownership or any other special features,

3. that the sum of money available would condition any proposals which could be made, and

4. that any premature announcements might lead to undesirable speculation and hinder later action.

"For all these reasons we have been sparing in our reference to special areas."

However, it went a little further and distinguished between two broad sorts of Parks, which it termed "National Reserves" and "Regional Reserves". Of the former sort the
committee suggested that an Authority would consider the Lake District, Snowdonia, the Cornish or Pembroke coastline, the Norfolk Broads, the South Downs, Dovedale, the Scottish border country, and parts of the Wye Valley. Of the latter, it suggested the High Peak, the Forest of Bowland and Cannock Chase. The Report then went on to look in more detail at the proposals made for the Forest of Dean, so as to offer some guidance to the Authority on what it thought were the salient features needed for a National Park.

6. THE RECEPTION GIVEN TO THE REPORT OF THE COMMITTEE.

(a) Public reaction.

Most newspaper comment ceased with the last evidence submitted, to await the publication of the Committee's findings. In its "London Letter" column on 30th January 1931 the Manchester Guardian leaked what purported to be information on the preparation of the Report, and asserted that it was "in virtually agreed form - it will probably be signed within a few days". This conclusion was of course wildly optimistic, and the paper had to wait until May before it could comment editorially on the long-delayed appearance of the Report. It then gave it a muted welcome, stating that "the Committee has certainly gone about its work in a very cautious manner, as if much more conscious of the difficulties to be overcome than of the advantages to be obtained". It pointed out that any attempt to establish National Parks through Town Planning schemes would be "negative" and ineffectual, and asked how best could results be achieved without enormous expense or use of parliamentary time. The answer it gave was to suggest that any consequent legislation should begin in the House of Lords to avoid delay or demise in the lower house. The Times made no editorial comment on the significance of the Report, and merely contented itself with devoting a single column to an account of its main conclusions.

(1) Manchester Guardian 30th January 1931.
(3) The Times 2nd May 1931.
Apart from these papers, the only other one which treated its publications as anything more than a short news item was the Daily Herald. Following its first reference it went on to use the theme of public enjoyment of the countryside to launch a "National Hikers' League" as a circulation gimmick and followed this by publishing a weekly column headed On the Hike from the 16th May onwards.

Of the weekly journals, The Spectator did not comment directly but published an article by Professor Joad on 26th July entitled A Charter for Ramblers, in which he advocated National Parks set up on the lines of the Report as one of its constituent parts.

Amongst the more specialised journals published for walkers only The Hiker and Camper and Oat o'Boers were in circulation in May 1931, and surprisingly neither seemed to be very concerned over the appearance of the Report. The Hiker and Camper criticised its delay and caution in an editorial in July, but from then on made little further reference to it. Oat o'Boers carried no comment at all, being more concerned with the likely fate of the Access to Mountains Bill.

(1) Of the national dailies, the Daily Telegraph published an item but no comment (2nd May) as did the News Chronicle (2nd May) and the Daily Mirror (2nd May) while the Daily Mail made no reference to it.
(2) Daily Herald, 1st May 1931.
(3) This campaign is dealt with more fully in Chapter 7.
(4) The Spectator, 26th July 1931, pp. 109-111. (the same title was used by Joad three years later for a book he wrote, developing this theme at some length - see pages 223-228 below.)
Of the other bodies closely interested in the findings of the Committee one, the Council for the Preservation of Rural England, had not begun to publish its detailed Monthly Reports at that time, but the journal of the Commons Preservation Society carried an article which outlined the general conclusions and made more specific reference to their possible effect on the future of common lands. In this part of the Report it could find little fault, particularly in light of the fact that "it is very gratifying to find that the suggestions made by the Society in its evidence before the Committee have practically all been adopted."

(b) The government's attitude to the Addison Committee's recommendations.

Between the publication of the Report and the dissolution of parliament for the General Election of October 1931 there was little time for the Labour administration to take any action on its recommendations. Records do indicate, however, that up until August some progress was being made towards implementing them.

In the House of Commons during these few months two questions were tabled and one speech made on the subject. On 7th May Mr. Mander asked the Minister of Health what action he proposed to take on the Report of the Committee and Mr. Greenwood replied that the matter was under consideration but that it was not possible to announce anything at the present time.

(1) Journal of the COSFPS vol. 2 No. 3 July 1931 pp. 82-86.
(2) Ibid. pp. 84-85.
(3) 252 HC Deb. 5s 656.
A month later, on 8th June, Mr. Lovat-Fraser asked a very similar question and received a very similar reply from Mr. Thurtle, answering on behalf of the Treasury.

Apart from these questions the only other parliamentary reference occurred in the debate on Supply on 29th July, during the discussion on the estimates of the Ministry of Health. Mr. Mander delivered a speech in which he made reference to National Parks as an important part of the work of the Ministry, and briefly outlined the major findings of the Addison Committee. He then suggested that steps could be taken in the way of appointing suitable people to the two executive bodies proposed in the Report and asking them to begin work on preparing a scheme for National Parks in advance of any legislation. He admitted that ultimately nothing could be achieved without legislation, but thought that this would not become necessary "for a considerable time to come." At the very least such an initial step would indicate the government's willingness to accept the principle. To this the Minister, Mr. Greenwood, replied that although he appreciated there was "no difference of opinion on any side of the House as to the desirability of definite action on those lines I cannot say anything to-night except that the question of the Report of the Committee is under sympathetic consideration of the government at the present time."

Actually departmental records show definite plans were being drawn up at that very moment, and for a few weeks there seemed a distinct chance that the Addison Committee's words had not fallen upon stony ground. Within a

(1) 253 HC Deb. 5S 624.
(2) 255 HC Deb. 5S 2403-2406.
(3) 255 HC Deb. 5S 2415-2416.
week of the appearance of the Report Mr. Ramsay MacDonald's private secretary had written to the Minister of Health asking him to "take the National Park Committee Report under his wing". One of the Minister's advisers, Sir Arthur Robinson, minuted his opinion that there was no possibility of passing off the responsibility - "It is all mixed up with town planning and local services and I suppose we can't avoid it".

On the 26th May Sir Arthur submitted a memorandum suggesting to Mr. Greenwood that in order to get things under way he (i.e. the Minister) should sound out either the Chancellor of the Exchequer or the Prime Minister on the "notion" of obtaining £100,000 over five years (i.e. the cheaper of the two schemes recommended), and Mr. Greenwood eventually wrote to the Prime Minister on 27th June for his opinion. At the same time he took the opportunity of indicating that the new (1932) Town and Country Planning Act would be essential for stimulating the provisions of "national reserves". The Prime Minister agreed to a figure of £100,000 over five years, subject to satisfactory arrangements being made with the Scottish Office.

By the time these consultations had taken place and there was common agreement the developing economic crisis had begun to cast its shadow, and it was agreed that as the Economy Report had been issued no further action should be

(1) Letter from the Prime Minister's Office to Minister of Health, 4th May 1931. Departmental file HLG/52/723.
taken until "after the holidays", to give time for further
consultation and reflection. In fact, as later developments
were to prove, the crisis effectively baulked the possibility
of the Committee's Report becoming a springboard for early
government action on National Parks.

7. CONCLUSION.

At first glance there appears to be little reason to question the work of the National Park Committee or its final recommendations. These were the fruit of lengthy deliberations by senior departmental officials, framed with an eye to the practical considerations of government and based on ample evidence from outside bodies. One hesitates to carp at such assiduity but nevertheless it appears that all their efforts failed to produce a report of any great merit.

Before going on to the work of the Committee I think that its ability to perform the task set before it adequately should be examined. This effectiveness may be looked at in three ways, considering its membership, standing and terms of reference. One must first ask whether such an inter-departmental body was the most suitable mode of enquiry. Its most obvious advantage was to be attuned to the administrative problems inherent in its task, but on the other hand some of its members appeared openly antagonistic to the whole concept of National Parks while others seemed to take little interest in its work. Also the fact that, apart from the Chairman, it was made up of civil servants meant a certain lack of experience and breadth of interest, and its deliberations were characterised by both caution and a lack of imagination. Particularly in view of the part played by bodies such as the Council for the Preservation of Rural England and the Commons Preservation Society in

(1) The comments which follow relate only to those parts of the report which come within my terms of reference. Other parts, such as those devoted to the conservation of flora and fauna and to arrangements in Scotland, are not relevant and have therefore not been included.
(2) Both these assertions are based on the minutes of the Committee's meetings.
persuading the government to set up the Committee it might have been wiser to include some of their leading figures. People such as Sir Lawrence Chubb, Edwin Royce, George Mitchell and Clough Williams-Ellis could have contributed much to its work, but instead were confined merely to offering evidence.

Discussion of its composition leads on to the standing of the Committee. Did an inter-departmental body have sufficient standing to give its recommendations an authoritative ring, or would a more broadly-based one such as the later Hobhouse enquiry (1945-47) or even a Royal Commission have been more suitable?

A third drawback was that its terms of reference appear to have been too narrow. Admittedly these did specify that the Committee should report both if it was "desirable and feasible" to establish National Parks, but it found once it began that these two injunctions drew it into much deeper waters of land-use, planning policy, compensation and betterment and other matters. What might have been more appropriate were terms which empowered the Committee to consider the whole range of problems associated with setting up of National Parks in marginal upland regions, and any other areas it saw fit to include. In fact the Hobhouse Committee was given such open-ended terms, "to make recommendations in regard to the special requirements" and "on such other matters affecting the establishment of National Parks... as may be referred by the Minister to the Committee."

(1) Cmd. 7121 The Hobhouse Report, para. 1.
Possibly too much significance can be read into these generalities, but certainly its resulting recommendations on planning and the control of development were more comprehensive than Addison ever envisaged.

(a) Planification and finance.

I have attempted already to show how the whole National Park question was interwoven particularly with the problems of planning and financial provision. No progress could be made without assurances on both these points. The fact that the Committee had to prepare its Report while changes were being made in the planning mechanism was a severe limitation on its usefulness. It happened that the broad outline of the new Act was similar to the previous one but it would have been better if the Committee was able to frame its conclusions in the secure knowledge of what this Act contained rather than on provisions which might soon be obsolete. It assumed that whatever changes were made, the ordinary planning mechanism would still bulk large in any National Park strategy — "that, whatever may be the outcome of our recommendations in regard to National Reserves, legislation will be promoted extending the planning powers of local authorities", and that such powers were not to be overridden. "In our view it is of the first importance that any measures to be taken by way of planning should, wherever possible, be effected through the ordinary Planning Authorities." In particular it stated that "one of the main functions of the new Authority would be to stimulate Local Authorities to promote planning schemes."

(1) Of course, this might simply be the result of a greater awareness of the importance of planning, but it should be remembered that when the Hobhouse Committee reported the 1932 Act was still in force.
(2) Cad. 8561 para. 64.
The second problem was that no precise indications had been given about how much money the government was prepared to devote to establishing and maintaining National Parks. The Committee eventually used its initiative to specify the sums it thought necessary, but even so the likely costs of compensation were so high as to make these figures almost token amounts. If the investigation was seen as merely an exploratory one perhaps there was good reason why the government should not commit itself, but if as anything more important then it would appear more sensible to have fixed a minimum sum which the Exchequer was prepared to allocate and ask the Committee to estimate what could be provided for that money.

It is here that the planning and financing of National Parks came together, for a corollary of local autonomy in planning was a large measure of local financial responsibility also. In short, Regional Planning Committees would not just have to agree on the setting up of a Park but also bind their members to make additional demands on local rates. The one argument that local authority representatives advanced with vehemence in front of the Committee was their opposition to making National Parks a compulsory burden on local revenue, and in both practical and ethical terms I feel they were right. No local authority, however rich, could look with equanimity on such an arrangement, for their finances were stretched more than those of the central government and rate income tends by its very nature to be less elastic than other forms of taxation. Quite apart from this it seems a valid argument that if the government in Whitehall desired to establish "national" Parks, then it should accept them as a charge on national funds.
Another of the criticisms of the work of the Committee was that it proved too deferential in its attitude to the various interests involved. This showed itself in the lack of scepticism which greeted much of what the various "interested" bodies presented as evidence. There appeared to be an assumption running through most of its work that its task was to reconcile any recommendations it might make with existing local authority responsibilities and proprietorial rights.

Dr. Addison did say that it would be a "capital blunder" if members were unduly influenced by the landowning interests but in fact a much stronger prejudice was evident in the comments made towards the supporters of National Parks, and this showed itself particularly in their attitude towards public access.

Gibbon from the Ministry of Health asserted for example that if the National Park Authorities were given powers to initiate planning schemes they would be unduly susceptible to "pressure from fanatics". Mr. Gaye and Sir Ernest Wildermess were two others who viewed every suggestion of wider access as redolent with the dangers of vandalism, fire-raising, damage to land and loss of rent. They considered that the public already had a wide measure of freedom to roam over uncultivated land, and that the main purpose of National Parks was rather to preserve (1) scenery. This lack of sympathy is manifest in the final Report.

It claimed that aside from a certain unevenness of distribution (2) the rights of public access were quite generous, and then

(1) All these statements are based on the evidence of the minutes of the Committee's meetings. See departmental file HLC/52/717.
(2) Cmd. 3861 para. 16.
devoted only three short paragraphs to how these could be improved. The most definite suggestion it made was that "the improvement of means of access for pedestrians to areas of natural beauty would automatically be achieved in National Reserves as part of a planning scheme", which in itself indicates the lack of appreciation of the problem the Committee had.

In a similar way the changes recommended in planning arrangements to make them more responsive to the needs of National Parks were improvements rather than any fundamental reshaping. Each proposal made was by itself sensible and practical, but in total they amounted to nothing remotely radical. Indeed the Report went out of its way to stress that even placing the planning function in the hands of the Authorities was a contingency which "we do not recommend".

It felt that the control of planning should stay with the present bodies. Ideally the establishment of National Parks should have been separated from this local control or failing that, some clear instruction given to the Regional Planning Committees to organise themselves to ensure more adequate arrangements than they were then making.

As far as the relationship between the public and landowners was concerned the Committee again could not see to recommend anything more than negotiations to gain easements over private land with compensation paid on the usual terms or, where the inconvenience was great and the value low, outright purchase. It suggested that "financial considerations would lead the National Authority to give preference to areas where

(1) Op. cit. paras. 32-34.
the disturbance to economic values would be slight and the cost of compensation relatively small." In other words wider access was to be assessed more on relative costs than on amenity values. Possibly there is less justification for criticism here than on the preceding points given the powerful interests in opposition and the large sums likely to be involved, but there were other ways of tackling the problem, as shown in Dower's proposals in the draft of The National Parks Bill which he prepared in 1939. These turned the matter on its head and aimed to make access universal except where injury could be proved, and placed the onus firmly upon the landowner to justify compensation for damage or nuisance. It might also be added that depending on who one had in mind when talking of access, there were two distinct sides to the problem. With the genuine rambler or naturalist unrestricted freedom would seldom present any difficulty, but with the general public no such reassuring assumptions could be made. Therefore it seems that there was good reason to distinguish between them. Genuine ramblers might be granted access on terms not open to the public, with the test of acceptability being membership of a properly constituted and organised club.

(c) The National Park Authorities

It was in its suggestions for the creation of National Park Authorities that the Report came closest to making any radical proposals. At least these envisaged a distinct body

(1) Op. cit. para. 34.
(2) See Appendix 3.
(3) See Cmnd. 2851, para. 29. "Witneses from the Rambling Federations suggested that the nuisances which are now committed are not the work of organised bodies but of casual visitors who are not subject to the discipline or traditions of organised associations". The Report expressed no opinion about this assertion, however.
(4) One for England and Wales, and one for Scotland.
being set up charged with a specific function and with its own financial resources to perform it. Its principal tasks were listed in paragraph 68, and they may be summed up as co-ordination, co-operation, advice and the making of grants. Such responsibilities fell far short of the thorough-going executive powers demanded by some witnesses, and an excessive concern was shown for the sensibilities of local authorities, landowners and voluntary bodies, but at least the Committee avoided recommending a purely advisory function and specifically rejected handing the task over to bodies such as the National Trust or the Royal Fine Arts Commission. Yet even here it strove almost self-consciously to be reasonable, aiming to establish an arrangement which would work in some way without disturbing too much the existing control of local authorities or rights of landowners. This is seen most clearly in its proposals on legislation. It could not bring itself to advocate a specific National Park Act, but merely that the Authorities should be established and equipped with the requisite powers and money. The precise delineation of Park areas, sub-ordination of the local planning function and even the question of "blanket" access over privately-owned open land seemed too difficult to bring within a legislative measure.

This caution also reflected itself in the way the Committee failed to consider other means of developing National Parks. No reference was made to such ideas as Mr. Williams-Ellis' for "private enterprise" Parks, Mr. Thomsen's proposals outlined
(1) In his letter to the Committee or even the more general observations of Mr. Ewart James, this leads onto another important criticism, for I think that it is necessary to appreciate what the Report did not say as well as what it did. The fact, for example, that it failed to discuss or comment upon the possibility of re-constituting and extending the Forestry Commission, or upon the relationship between National Parks and Access to Mountains, were significant, for such omissions necessarily would give these points less weight in the future than they might in themselves have justified.

(d) Common-lands.

It is rather interesting that one particular aspect of the problem did receive very careful study, and this was the subject of the common-lands in England and Wales. One complete chapter was devoted to this, running to nearly six pages. It was stated that the reasons for this interest were that common-lands formed an important part of many of the likely National Park areas, that their preservation had been the motive behind the earlier agitation for the protection of amenity, and that it had to be determined how their regulation might now be married up with the wider control of National Parks.

(1) It appears regrettable for instance that Mr. Thomsen was not invited to give oral evidence to the Committee, although he had offered to make himself available. Unfortunately his plea for eventual public control and ownership of Park areas was just the sort of argument the Committee had already set its hand against. It seemed intent on ignoring unpalatable proposals which failed to fit in with a "workable" strategy.

(2) Chapter VI.
It is not necessary here to go into the precise details of what was recommended, but what does merit comment is the emphasis with which they were presented. For instance, although it was reasonable to recommend a survey of such an antique and misunderstood institution, the Committee went on to say that this should have statutory compulsion. It also asserted that regulatory powers should reposes with either the National Park Authority or its local Committee if the District Councils so wished, and that access to all rural commons with Park boundaries should come under Section 193 of the 1936 Law of Property Act, if necessary by compulsorily purchasing the interest of any recalcitrant Lord of the Manor.

The point to be made is that where the Committee felt itself to be on solid ground and where ample evidence and established facts were available, it seemed willing, indeed keen, to seize the opportunity to put forward definite and direct recommendations.

(e) Coda.

Finally one may quote from the end of the Report.

"They will be attacked by those who think that any expenditure on the preservation of the natural beauties of the country is unjustifiable; assailed by enthusiasts who wish to press their own fancies or look for action on more heroic lines; importuned by private individuals who see in the proposals an opportunity of private gain; and opposed by others who resent any interference with private interests. In many cases they will be called upon to hold an even balance between conflicting interests, and at all times they must be prepared to take a long view and to leave it to time and a later generation to vindicate their actions."

(1) Cmnd. 3861 para. 84.
In fact these remarks were made about the work of the National Park Authorities but they may be applied equally to the Committee itself, for no better final judgement could be made on its own work. The need to hold a balance between conflicting pressures was the purpose its members saw themselves performing, and this attitude resulted in a Report which appeared to be more a detailed exposition of the problems, rather than the opportunities, of setting up National Parks.

The whole question of the timing of the Report and its significance in relation to later developments in the National Park movement is considered in Chapter Six.
CHAPTER THREE
PARLIAMENT AND NATIONAL PARKS.

This Chapter traces the interest shown in parliament towards National Parks between 1931 and 1939, expressed through Questions, speeches and deputations to Ministers. Because of the dire circumstances in which the 1931 General Election was held it was an inopportune time to look for any real concern about establishing National Parks. None of the major parties expressed interest in the idea, and neither the rambling bodies, the CPR or the COSFPS made any attempt to rally the support of individual candidates or of the electorate. The return of the National government after the election effectively cancelled the progress which had been made towards implementing the recommendations of the Addison Committee during the last months of the Labour administration.

However between 1931 and 1935 several interesting changes took place. To begin with, by 1934 both Opposition parties had apparently accepted the principle of National Parks as an item in their programmes. In April 1934 Mr. George Lansbury wrote in the "Clarion" that the creation of National Parks would be part of government policy when the Labour Party was returned to power, while earlier, in February, Mr. Herbert Samuel made a speech to the Midland Liberal Federation in Birmingham in which he supported the public demand for wider access in likely National Park areas. "Moors and mountains should be open to public access on reasonable conditions" he asserted.

(1) This statement is based on information obtained in interviews with Tom Stephenson, Phil Daley and Stephen Morton.
During the 1936 Election the Ramblers' Association wrote to all parliamentary candidates seeking their support for both National Parks and the Access to Mountains Bill, while at the Winnats demonstration earlier that year Professor Joad had received an enthusiastic reception when he demanded that these two issues should become "political" ones in the forthcoming campaign. Nevertheless, no party gave any formal commitment in their manifestos to set up National Parks. In the event, the return of a Conservative administration ensured that the situation was little changed from that before 1936.

(1) Appeal to parliamentary Candidates, with Ramblers' Association.
(2) Manchester Guardian 30th June 1936.
(3) FWS Craig, Ed. British General Election Manifestos 1918-1966 (1970). Also enquiries at Party headquarters. Mr. Noel-Baker did state during the Adjournment Debate in December 1936 that the Labour Party had promised action on National Parks, alongside other rural matters, in a pamphlet "For Socialism and Peace" published during the 1935 campaign but how far this can be taken as a binding commitment is problematic. (518 HC Deb 5a 2120, 9th December 1936). It has not been possible to trace this pamphlet through the library at the Labour Party's headquarters.
1. **Parliamentary Questions on National Parks**

**November 1931 to December 1939.**

Once the new government assumed office in November 1931 it rapidly became clear that financial stringency combined with departmental inertia were to delay any likelihood of the National Parks Committee's recommendations being put into effect. This may be seen if one considers the series of written and oral questions tabled on this subject in the House of Commons between November 1931 and May 1939. In this eight-year period 12 questions were put down enquiring about the implementation of the proposals and a further 13 were asked about the progress in drawing up Town Planning Schemes under the 1932 Act to cover National Park areas. Of these questions the bulk (18) were asked by Mr. Geoffrey Mander, the Liberal MP for Wolverhampton East, and one other was asked on his behalf by Mr. Roberts; two were asked by Mr. Leckie and one each by Mr. Adamson, Mr. Chuter-Ede, Mr. Ellis-Smith, Mr. Kirby and (3) Sir John Withers.

On the first occasion the matter of the implementation of the Report's recommendations was raised by Mr. Leckie on the 12th November 1931, the opinion of the Minister of Health (Sir Hilton Young) was that they were "important and interesting" but that he "could not promise to do more". It was implied that because of the economies then being made no money could be set aside. On 16th February 1934 Mander asked the Minister if, "in view of the improved financial position

(1) This includes one asked by Mander on access to public land in the Peak District.
(2) See Appendix 2 on parliamentary questions.
(3) 259 HC Deb. 8s 249.
of the country", some money might now be made available for establishing National Parks, but Sir Hilton replied that he had considered the matter and saw "no prospect of a grant at the present time". Mander then referred to the fact that ample funds seemed to be available for the preservation of historical documents and he wondered why even the minimum figure of £10,000 a year could not be found. The Minister merely stated that the "order of priority must be observed".

A further question from Sir John Withers on the 22nd February 1934 on the need to implement the Addison recommendations in view of the diminishing amount of open space and the growing threats to that which still remained elicited the information from Sir Hilton Young that he had studied the Report carefully but while he was in sympathy he could not "hold out any prospect of putting its recommendation into operation". He went further and put his faith for the preservation of public open spaces in the planning schemes of local authorities which "are making steady progress" and would "receive all the help and encouragement I am able to give them".

(1) 295 HC Deb 5a 2980.
This reference to the historical documents had been made more fully in a letter from Kenneth Spence, the Secretary of the Lake District National Reserve Committee, to The Times on 5th February 1934, when he contrasted the willingness of the government to grant £50,000 towards the preservation of the Codex Sinaiticus with its treatment of the National Park proposals, and suggested that financial limitations could no longer be advanced as a valid excuse for inactivity.

(2) 296 HC Deb 5a 321.
This statement from the Minister with responsibility for National Park matters indicated that nearly three years after the Committee had reported any early prospect of putting its proposals into effect had gone, partly because of the lack of money and partly because it was felt that the securing of public open spaces in open countryside could be done through the extension of Joint Planning schemes under the 1932 Act. More conclusive proof of this attitude came in the answer to a question on 9th December 1935. Mr. Chuter-Ede asked the Minister if legislation was intended to implement the recommendations of the Addison Report and Mr. Kingsley Wood replied "he could hold out no hope of legislation this session", and that local authorities were making "steady progress" with their schemes. On 11th June 1936 he repeated that "other methods were being adopted" in reply to one of Geoffrey Mander's questions. At a much later date this was made more explicit during an interesting exchange of opinion following an answer to the same member of 11th May 1939 from Mr. Walter Elliot when he stated that "many of the Report's objects can be gained through the 1932 Town and Country Planning Act". Mr. Noel-Baker interjected that in his opinion the Act had failed and that the Committee's recommendations were "modest and practical", but the Minister refused to accept this view. Mander then enquired if the government had decided not to accept either of the Committee's recommendations? "No sir, it has not" was Elliot's retort, whereupon Mander asked why did the government not make up its mind?

(1) 307 HC Deb. 5s 556.
(2) 313 HC Deb. 5s 379.
(3) 347 HC Deb. 5s 675-6.
Apart from such questions which related directly to the implementation of the Addison Committee's recommendations, further enquiries were made, most of them by Geoffrey Mandev, about the likelihood of securing control over possible National Park areas through Regional Planning Schemes. On 10th July 1933 he enquired how many of the areas designated by Addison were covered by planning schemes. Sir Hilton stated that the Lake District, the High Peak, Derbyshire, Cannock Chase and the South Downs all fell into such a category; at further intervals it was stated either that such schemes were "progressing successfully" or "were in course of preparation". The significance of this policy was to place the planning initiative squarely on the shoulders of the local authorities, and to cast the central government in a subsidiary role of encouraging and advising such activities. It also meant that any progress was likely to be of an uneven nature, with some authorities making little effort. For example, a scheme drawn up in 1933 by Professor Abercromie for the North Wales Joint Planning Committee had not even been published by 1937 for the reason that the authorities concerned had failed to find the £400 needed for printing it.

(1) See Appendix 2 on parliamentary Questions.
(2) 280 HC Deb. 5s 753.
(3) See Appendix 2.
(4) This case was mentioned in the memorandum from the Standing Committee on National Parks presented to the Minister of Health at their meeting on 18th March 1937. See Departmental file HLC/52/716.
2. **THE DEPUTATION FROM THE PARLIAMENTARY AMENITIES GROUP AND INVITED VOLUNTARY BODIES TO THE MINISTRY OF HEALTH IN MARCH 1933.**

One of the firmest indications given of the lack of interest on the part of the responsible Ministry came as a result of the Deputation to see the Minister of Health early in 1933. As a consequence of a meeting held at the House of Commons on the 15th January 1933, at which the all-party Amenities Group was re-formed, a request was made by its Chairman Sir John Withers (the Member for Cambridge University) to the Minister of Health and the Secretary of State for Scotland that they should receive a deputation of Members and representatives of interested bodies. In order to prepare a case for this Deputation to present it was agreed that an invitation should be extended to the CPRE, the CPRW, the National Trust, the COSFPS and other organisations to meet with the Amenities Group at the House of Commons to state their views. This second gathering took place on the 16th February, at which Sir Lawrence Chubb, Lord Mayor and Mr. Williams-Ellis (1) were amongst those present. It was agreed that two requests should be made. The Chancellor of the Exchequer was to be asked if he would receive a party of MPs and others who were anxious to win tax concessions for landowners willing to grant public access along the lines recommended in the Addison Report. Separate from this the Minister of Health and the Secretary of State for Scotland were to be requested to receive

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(1) CPRE Monthly Reports Vol. 3 No. 5 May 1934, pp. 23-24.
(2) This suggestion was revived by Mr. Austin Hopkinson MP, who suggested in a speech in July 1934 tax remissions to land-owners who made land available for the use of walkers. (see Manchester Guardian 10th July 1934).
a delegation wishing to urge the appointment of at least a National Park Advisory Committee as suggested in the Report. The meeting with the Chancellor did not take place but better fortune befell the second plea. After some haggling over suitable dates a joint meeting with the two Ministers was held on 14th March 1933. Seven MPs were present, together with representatives of the CPRE, the COSPPS, the National Trust, the National Trust for Scotland and the Association for the Preservation of Rural Scotland (but without any officials from the different rambling organisations). The deputation's spokesman in the absence of Sir John Withers was Sir Percy Hurd. He put forward the view that the need for National Parks had been amply substantiated, that the general public were sympathetic and that the Addison Committee had pointed out the means by which they could be developed. The only thing needed now was government action. The Minister of Health spoke from a prepared brief in which it was asserted that the Addison Committee was mistaken in its assumption that no body was yet charged with the "preserving of public amenity". In the view of the Minister this task fell to the Royal Fine Arts Commission. He also considered it "likely" that his Ministry would appoint a General Advisory Committee on this matter, as it was empowered to do under the 1932 Town and Country Planning Act. In any case the best way of getting

(1) CPRE Monthly Reports Vol. 1, No.6 March 1933 p.28.
(2) These were Sir Percy Hurd, Sir Iain Colquhoun, Sir Francis Fremantle and messrs. Rosbotham, Somerville, Mander and Leckie.
(3) In fact, a Town & Country Planning Advisory Committee was set up by the Minister in June 1934. It published its first Report in July 1938.
results would be to "create informed propaganda" (sic) and he
concluded by warning the deputation against adopting too
dogmatic an attitude.

It seemed clear from this meeting that the government
had no immediate intention of taking new initiative and that
they felt the existing planning mechanism was sufficient for
the preservation of public amenity. This theme was developed
in answer to several parliamentary Questions — either it was
asserted that all that was necessary was being done, or if not,
the responsibility lay with the Regional Planning Committees
and advisory bodies such as the Royal Fine Arts Commission.

(1) For details of this meeting, see Departmental file
HLG/52/714.
(2) In particular see:
- 278 HC Deb 5s 1539-40 20th May 1933
- 286 HC Deb 5s 521 22nd February 1934
- 307 HC Deb 5s 656 9th December 1935
- 308 HC Deb 5s 1413 17th February 1936
- 313 HC Deb 5s 379 11th June 1936
- 317 HC Deb 5s 1044 12th November 1936
- 328 HC Deb 5s 1894 11th November 1937.
3. **Parliamentary Debates and Speeches.**

Apart from questions asked on National Parks the amount of parliamentary time devoted to the subject was meagre. In fact during the twenty years between 1919 and 1939 only one full debate was held in the House of Commons and none in the House of Lords. During this same period no legislation, whether from the government or from private members, was laid before either House. Stated as baldly as this it might well appear that support for the principle of National Parks amongst Members and Peers stopped short of too public a demonstration, but the truth is possibly more subtle that it might appear.

Certainly much store had been placed on the deliberations of the National Parks Committee between late 1929 and early 1931, and apart from questions asking when the Report was to be issued there was little else that could be done until its findings were announced. Hard upon the publication of the Report came the economic crisis and the consequent fall of the Labour government. Up to that time it had appeared that the Prime Minister and the Chancellor of the Exchequer were willing to make both the parliamentary time and the finance available to establish a National Park Authority. Once the first flood of the crisis had subsided it became apparent in both the answers to questions and through more informal soundings with officials that the new administration felt the time was not suitable nor was the money available to entertain the idea of creating even the most skeletal form of Authority.

(1) The nearest the House of Lords came to debating this subject was on 16th March 1937, when Lord Brocket initiated a debate on the preservation of the countryside. (104 HL Deb. Ss 675-716).
(2) Particularly the parliamentary amenities group; see pages 84-86 above.
(3) See editorial in The Hiker and Camper Vol. 1 No. 9 October 1931 entitled "All the Economy Stuff", "I don’t care two hoots which party is in power, but a 20 year fight can’t be lost because the world is financially ill. That is not our fault." (p.1)
It became clear that the campaign for National Parks would most usefully concentrate on bringing influence and persuasion to bear on the responsible Ministers, rather than agitate in parliament through those private members associated with the cause. It can be argued that in following this policy the advocates of National Parks were merely recognising the fact that a private member, however enthusiastic, was powerless to guide such a complicated piece of legislation as would be required through parliament without the support of the government. Perforce the battle would have to be won at the Ministry of Health and the Treasury. It could also be suggested that on the evidence of the one major debate held in December 1936 it was better that things were done in this way. The quality of the debate, in the proper sense of that word, was poor and little real exchange of ideas took place. Most of the speeches were from set positions established well in advance and in the case of the government's reply by Mr. Hudson this proved to be little more than an exculpatory statement explaining that all things necessary were being done and no further initiatives were required.

Possibly one reason for this was that as long as National Parks were debated in principle the idea aroused little controversy. So much depended on their working detail that as long as there appeared no immediate likelihood of the government doing anything one could confine oneself to agreeable imprecisions. If, however, the Ministry of Health had come forward with an urgent scheme for setting up National Parks then it is certain that strong opposition would have sprung up overnight. One has only to consider the numbers of interests likely to be affected by such a scheme - water undertakings, hill-farmers, forestry, mining and quarrying, local authorities,
sporting estates and even the War Department - to imagine the controversy that would dog the progress of any legislation.

In the event, therefore, it was wiser for the leaders of the campaign to concentrate their efforts on persuading the Ministry of their case and to regard their parliamentary support as a bolster to this.

Following these general remarks it is now necessary to consider those debates and speeches which took place in more detail. The most important occurred at the end of 1936 in the form of an Adjournment Debate.

(a) The Adjournment debate of 9th December 1936.

On the 25th November 1936 Mr. Geoffrey Mander, MP for Wolverhampton East, gave notice of motion in the following terms: "On this day fortnight I shall call attention to the subject of National Parks, and move a resolution." On the 9th December the debate began at 7.39 p.m. when Mander moved the "this House urges the Government, especially in view of the new national health crusade, to take whatever steps may seem most appropriate in the light of the recommendations of the National Parks Committee, 1931, to stimulate and develop action for the preservation of the countryside and its amenities, including the reservation of areas of natural interest against disorderly development and spoliation and the improvement of their accessibility to the public". His object in doing this he mentioned at the end of his opening speech, "What I am urging upon the Government is not that they should take any one particular course, but that they should take some definite action from the centre to deal with the problem".

(1) 318 HC Deb. 5s 2073-2132.
(2) 318 HC Deb. 5s 2079.
(3) 318 HC Deb. 5s 2073.
(4) Ibid 2079.
He believed that it was anxious to do all it could, and that the crusade which it had launched for national fitness provided a suitable opportunity for some manifestation of this desire. Earlier he had tramped over familiar ground, enumerating the numbers of people who belonged to open air organisations - 147,000 at least - and listing examples of progress being made in the way of Forest Parks, private benefactions and the opening up of Crown lands. He then referred to the recommendations of the Addison Committee, and particularly its conclusion that only a statutory body would be able to initiate and develop a National Park policy. "It is quite clear that action of some kind from the centre is absolutely necessary in order to stimulate the work of planners in the various districts". He doubted if the Royal Fine Arts Commission, even with an amended constitution, could perform this function satisfactorily and thought also that the Advisory Committee appointed by the Ministry of Health under the Town and Country Planning Act, because of its departmental status, would not be sufficiently strong vis-a-vis other departments. In effect, therefore, he implied that the best course of action was for the government to act (albeit five years after) on the Addison Committee's recommendations.

Sir John Withers seconded the motion, speaking in much the same vein. The motion was "not meant in any way as a criticism of government action... It is meant as a gesture of congratulation and encouragement". He doubted the necessity of an independent body if the Ministry of Health

(1) For a fuller account of this see pages 185-186 below.
(2) For an appreciation of this reference see pages 85-86 above.
(3) Ibid 208Q.
decided to pursue its course through Advisory Committees. "The best thing to do is to leave it to the Government to consider what they had better do."

In his reply later in the debate the Parliamentary Secretary to the Minister of Health, Mr. Hudson, spoke from a brief prepared by his officials which concentrated on the establishment of the "national" reserves (as distinct from local) recommended by the Addison Committee. He indicated that planning under the 1933 Town and Country Planning Act was the key to policy. Under the provisions of this Act land use could be planned even when development was not likely, and private landowners could enter into voluntary agreements with local authorities to make their land available for public access (Section 34). The financial burdens which securing public open spaces would place on indigent authorities could be alleviated by contributions from neighbouring authorities whose populations would benefit from this facility. In general Mr. Hudson argued that a lot of good work was being carried through in Regional Planning Schemes. These were now being submitted to the Ministry at an average rate of 10 per month, and 144 were now awaiting approval. He concluded by making some agreeable points about the physical and psychological benefits of outdoor exercises.

Apart from these three main speeches thirteen other Members rose to contribute to the debate. In general the content of these speeches was mediocre, a fact that stemmed

(1) Ibid 2081.
(2) Departmental file HLG/52/716.
(4) Ibid 2101.
(5) Ibid 2100.
(6) Ibid 2104.
more than anything from the portmanteau wording of the motion, which invited a variety of opinions to be expressed. Discussion ranged over a wide field with some special pleading on behalf of areas such as Dovedale, Cannock Chase and the Forest of Dean, and a number of adverse comments on ugly buildings, litter-louts and the motor car. However, two points recurred in the course of the debate which are of interest here. First, no-one spoke against the motion; the degree of enthusiasm varied but in principle at least everybody was in favour of National Parks. Secondly, a great deal of emphasis was given to the need for a strong central body to undertake their establishment, and it was pointed out frequently that local authorities just did not have either the money or staff for the task.

Mr. Noel-Baker made one of the longest and most noteworthy (1) speeches of the evening, during which he expounded on the Labour Party's interest in the question and identified it as a matter of special concern to the working classes. He argued that although few people said that the interests of the private landowner should be expropriated as a matter of course, when it became obvious that the present system of land-ownership did not protect the interests of the nation "then we think (2) it is urgent that government action should be taken." He likened this to the deficiencies in timber production which had occasioned the creation of the Forestry Commission. The National Trust should be given more government help, he thought,

(1) Ibid 2119-2129.
(2) Ibid 2121.
with wider powers, to make it similar in some respects to a planning authority. These would include the powers of compulsory purchase and the receipt of government grants.

Sir Francis Acland suggested an increased role for the Trust in that large areas of private open land could be quite easily leased for long periods (i.e., 500 years) with restrictive covenants attached, without affecting in any significant way proprietorial rights and perquisites, and the Rt. Hon. L. S. Amery advocated the financing of the Trust's activities through the guaranteeing of loans by the government, as an alternative to spending tax revenue. Following his speech the debate closed and the question was put and agreed at a little before eleven o'clock.

(It was ironic, and in keeping with the precedent set in 1931, that this new initiative on National Parks should occur against the background of another national crisis. The country was experiencing the final days of King Edward's Abdication and in fact the king surrendered his throne the very next day. In such circumstances it was understandable that both the House and the government should be preoccupied with other problems.)

The bland and unhelpful attitude conveyed in the debate by Mr. Hudson caused dismay amongst the supporters of National Parks. The Manchester Guardian published a bitter editorial the following morning which discussed the progress achieved in light of the debate, and castigated the inertia shown by the government. It concluded with the following words, which amply summarise the "state of play" in the mid-1930s as it appeared to the National Parks lobby. "The demand in England and Wales

(1) Ibid 2133.
(2) Ibid 2130.
(3) Ibid 2132.
(4) Manchester Guardian 10th December 1936.
for National Parks is reasoned, sustained, well-backed by influence and numbers, and yet nothing happens. Piecemeal schemes are slow at coming into effect, uncertain in scope, and do not really alter the fact that the necessity of large Parks is a national one which should be nationally solved.

After this Adjournment Debate the only other speech made in the House on the subject was again delivered by Mander during the Debate on Supply on the 8th June 1937, when the estimates for the Ministry of Health were once more under consideration. He spoke in a similar vein to when he raised the subject in 1931, and went on to outline the development which had taken place since the Adjournment Debate six months earlier. He accepted that there was little immediate likelihood of the full recommendations of the Addison Report being implemented, and therefore proposed a very modest beginning should be made by setting up a "purely voluntary body of persons interested in this matter, without any statutory or coercive powers at all" which would attempt to build up public interest and encourage local authorities to act on this. From such a beginning, by stages, a point might be reached when the full recommendations could be effected. He closed with the plea that the Minister should make "at an early date, a speech devoted to this problem, stating the enormous importance which the government attach to the question", and he hinted that it might secure some significant electoral advantage by so doing. To all this pleading however the reply was predictable.

(1) 324 HC Deb. 5s 1706-7.
(2) Ibid 1706.
(3) Ibid 1707.
Mr. Bernays (the Parliamentary Secretary to the Minister of Health) replied for the Minister that he "will look at the matter (1) with the greatest sympathy" but could promise nothing more substantial. Apart from these occasions two more unsuccessful attempts were made by Mr. Cecil Wilson to secure discussion on National Parks. On the 10th November 1937 he gave notice "that on this day fortnight I shall call attention to National (2) Parks, and move a resolution", and he made a further attempt (3) on the first of February 1939 again without success.

4. THE IMPORTANCE OF THE 1932 TOWN & COUNTRY PLANNING ACT IN RELATION TO NATIONAL PARKS.

It has been shown that once the economic crisis in late 1931 had receded it became clear that any prospect of early government action had been swept away by it. Financial constraint was only one aspect of the problem however - the new Town and Country Planning Act was proceeding through parliament during the latter part of 1931, and until this measure was put onto the Statute Book the state of flux in planning procedures was a further excuse to avoid any early commitment, particularly as the Addison Committee placed

(1) Ibid 1723.
(2) 328 HC Deb. 6s 1775.
(3) 342 HC Deb. 6s 207.
emphasis on their importance in establishing Parks.

From 1932 onwards, however, no such pretext could be given for inactivity. Quite the reverse in fact, because during the period 1932 to 1939 government spokesmen repeatedly affirmed their faith in the workings of the Act as far as the development of National Parks was concerned. For this reason the bearing of the 1932 Act (now significantly with "Country" in its title) on the question of National Parks and public access calls for closer scrutiny.

As far as the actual planning mechanism was concerned, there was little difference from the arrangements under the 1925 Act, with powers invested in Regional Town Planning Committees possessing either executive or advisory functions. The later Act sought however to improve the planning procedure by allowing any planning body, once the approval of the Ministry

(1) Witness, for example, remarks made by Mr. Hudson during the debate on 9th December 1936. "The hon. member is urging that the Government ought to carry out the recommendations of the National Parks Committee, and I pointed out in my speech that they definitely said that the appropriate method of carrying out their recommendations was to give local authorities wider powers and not to put all these things upon the central government. We have carried out those recommendations." (313 HC Deb 5s 2124) This assertion was not strictly correct, although near enough to the truth to escape detection in the debate. In fact, although the Addison Committee did suggest a widening of local powers of planning (see paras. 24 and 25), it also asserted that both the central government and a Statutory Authority should be called upon for help. Whether or not this was done was a question of finding the necessary money (para. 27).

(2) Although according to Mr. Hudson the Act did not become operative until 1936 (313 HC Deb 5s 2097).
of Health had been obtained, to incorporate within its Scheme any land notwithstanding that such land was neither in process of development nor ever likely to be developed. This is made quite clear in the Preamble to the Act. More specifically it stated that "the Minister of Health is empowered to make general provisions in relation to open spaces, both private and public," and this provision was to be read into each Planning Scheme unless the Authority concerned wanted it excluded, in which case the Minister had to approve the exclusion. This extension of the scope of planning to open spaces was a completely new provision. Unfortunately in all this the 1932 Act remained permissive rather than mandatory - it "allowed" rather than "forced" and therefore was not likely to spur the more dilatory authorities into action. Also such procedures were intended more to protect existing amenities rather than to ensure public access, although under Section 34 it was possible for private landowners to enter into voluntary agreements with the planning bodies to earmark tracts of land permanently as "private open spaces", and for any of these local agreements to allow for a "reasonable degree of public access". (Apart from any altruistic considerations such agreements, by forfeiting any notional building rights, would have a considerable affect on the amount of death duties payable when these fell due.)

Another significant part of the Act was that relating to the assessment of compensation, either for land acquired or which had been "sterilised". These provisions were based on those laid down in the Acquisition of Land (Assessment of Compensation) Act, 1919, which had established the "six principles" of compensation. Of these the last one stated that in no case may compensation be assessed on the value of
the land to the acquiring body. This would assume importance in the case of securing land as a public open space, which would clearly have little value. Instead, compensation was to be based on the market value of the land.

The defects in the new Act were therefore quite glaring, and not in essence different from those of the previous one. More specific shortcomings are discussed elsewhere, but it is apposite here to quote some remarks made at the 1937 summer school of the Town Planning Institute by Mr. Hudson of the Brighton, Hove and District Joint Town Planning Advisory Committee. He stated that "the new legislation has merely provided certain safeguards in the event of a recognised evil still prevailing, whilst no effort is made to replace the horse before the cart by making effective the deficient machinery for positive planning to guide and promote proper development. There is ample evidence that the public is becoming restless at the way things keep muddling along; that the people are demanding positive planning - nationally and locally; that there is a revolt against the thoughtlessness and lack of planning in the administration of public affairs."

In no other respect could these remarks be better justified than in the matter of National Park planning. The general view of their advocates was that, whatever possible controls could be exerted under the 1932 Act, they doubted both the interest

(1) See pages 141-147 below.
(2) Held at the Ashburne Hall, Manchester, 3-9th September 1937.
(3) The place of planning in National and Local administration, by Mr. RA Hudson. Published in the proceedings of the School pp. 31-33.
(4) Ibid p. 31.
and the willingness of the government to allow such powers to be used to their fullest. Indeed, the problem transcended the provisions of current planning legislation and required a complete change of policy before it could be solved. To this end the feeling grew that a fresh campaign would have to be undertaken to focus public attention on the urgency of the situation and impel the government towards more specific measures. It was the growth of this feeling which led towards the establishment of the Standing Committee on National Parks.

(1) In particular, to make the necessary funds available.
CHAPTER FOUR

DEVELOPMENTS OUTSIDE PARLIAMENT, 1931-1939.
(excluding the work of the Standing Committee on National Parks)

Apart from activity in parliamentary circles and the work of the Standing Committee, which is covered in the following Chapter, there were other developments of a more fragmented nature which, when taken together, made a significant contribution to the campaign for the establishment of National Parks between 1931 and 1939. An attempt has been made in this Chapter to draw these separate fragments together into a single coherent picture. One purpose of this is to demonstrate the complexity and variety of the post-Addison developments; another is to paint in the complete canvas before highlighting the work of the Standing Committee on National Parks. These developments may be grouped into three categories, First the discussion which revolved around the general principle; secondly the different proposals for establishing Parks in ways not visualised by Addison, and finally the activities in separate parts of the country which had the aim of setting up "local" National Parks.

1. PUBLIC DISCUSSION 1931-32.

As far as the public was concerned there was inevitably a lapse of time before it became clear that prompt government action was not to be forthcoming. For two or so years following the publication of the Addison Report its recommendations held (1) peoples' attention and there appeared to be little fresh thinking

(1) See, for example, speeches given by Philip Oliver MP, and reported in Manchester Guardian 16th Jan., 18th Feb., and 5th March 1932. Also Presidential Address by Lord Crewe at the AGM of the COSFPS in 1933. Op.cit. 17th May 1933.
on how access or even preservation might be achieved. Beyond 1933 however, as it became more obvious that National Parks were an ever-receding objective on the official horizon, other initiatives began to be taken and new proposals made. Some evidence of these changes can be found in the deliberations of the National Conferences for the Preservation of the Countryside, which were held annually from 1928 onwards under the auspices of the Council for the Preservation of Rural England. In fact National Parks were debated extensively at these gatherings on three occasions after the appearance of the Addison Report—in 1931, 1933 and 1937.

The discussion at the 1931 Conference attempted to brighten the dying hopes for early government action which the Addison Report had kindled. Three sessions of the Conference were devoted to considering this issue, and each began with a paper presented by an authoritative speaker in the field. Mr. Gibbon of the Ministry of Health gave a general account of the Report of the Committee (of which he was a member), and its likely sequel. He clearly anticipated the increasing difficulty there would be in getting help from the Exchequer when he stated that money, although important, was far from being the most pressing matter. Much had to be done first to win the enlightened sympathy of people whose support would be needed to establish National Parks, and also progress could be made by applying "thought, energy and discretion" to the matter. This could be achieved by securing

(1) To be strictly accurate the very first such Conference was organised by the Manchester and Sheffield Ramblers' Federations. See page 16, foot-note (1) above.

(2) Held at Bath, October 1931.

(3) Mr. Gibbon National Parks—a general address on the Report of the National Parks Committee (published by CPRE, pamphlet No. 22, 1931).
of private benefactions, regulation schemes for common lands and co-operation with a statutory bodies such as the Forestry Commission. Sir Lawrence Chubb entitled his address "a practical scheme for National Parks" and he made what was to become a familiar plea for common lands to be regarded as the basis for the development of National Parks. His case was that some sort of immediate action was desirable and the securing of common land could be done without waiting for legislation or Exchequer grants. He advocated setting up at least one experimental Park as an example of what might be done.

The third and most interesting paper was given by Professor Chorley on the subject of their administration. He began by stating that "the dullness of the administration of National Parks as a subject for discussion is only rivalled by its importance" and went on to discuss the merits and drawbacks of various schemes that had been canvassed. The important needs he saw as flexibility, expertise and the appropriate powers of control, and to achieve these neither a departmental committee nor one co-opted from amenity bodies was acceptable. Rather he argued for one autonomous central body with a firmly established "amenity" outlook to administer the Parks in both England and Wales and in Scotland. It would work within the limits of national policies on such questions as rights of access and recreational facilities, and devolve as much responsibility as possible to local committees. Each park should be run by such an

(1) Chubb, Sir Lawrence, National Parks - a practical scheme (published by CPRE, pamphlet No. 19, 1931).  
(2) Chorley, Professor RST, The administration of National Parks (published by CPRE, pamphlet No. 21, 1931) Professor Chorley was an eminent mountaineer, and a member of the Rock and Fell Club.  
(3) Ibid p. 3.
Executive body with a small permanent staff and working to a plan tailored to local requirements; each would be accountable for its actions to the central authority by means of an Annual Report. The supply of finance from central funds could be augmented by capitation fees from hotel-keepers, levies on guests and from local rates. In all this Professor Chorley made the assumption that the day of the implementation of the Addison recommendations was, if not at hand, at least to come in the near future. Within the next year or so this optimism evaporated in the face of government inactivity, which the periodic Question in the House revealed.

By the 1933 gathering at Buxton official views that Town Planning Schemes were a suitable means of preserving the countryside were beginning to find expression; both the conference discussion and press comment began to entertain this and other methods of securing access. Two papers presented to the Conference point out this change. Mr. George Pepler, the Chief Planning Officer of the Ministry of Health, spoke on Joint Planning for beautiful regions, such as the Peak District, and suggested that access to open countryside was already more than adequate and the main need was for the protection of scenery through the planning mechanism. "In many beautiful regions, the public already has adequate facilities for recreation. If additional access or space is required it can be provided for, and a Joint Committee facilitates the pooling of resources for this purpose". He then went on to say "I must confess that the idea of National Parks has never appealed to me". Following Mr. Pepler Sir Lawrence Chubb gave a paper entitled Access to the countryside, in which he argued that a wide measure of public

(2) Quoted in Manchester Guardian 16th October, 1933.
(3) CPBE Monthly Reports Vol. 2 No. 6 Nov., 1933 pp. 27-35. See pages 107-110 for a fuller account of this.
access could be obtained in upland areas by making use of a range of legislative devices to be found in the Commons Acts, the Law of Property Act and the Town and Country Planning Act.

Commenting on this Conference in a leader the Manchester Guardian took up the theme of reaching the same end by different means, and in particular by marrying the National Park cause with that for Access to Mountains. "The same end (viz. National Parks) might equally well be achieved by securing proper access for all to such regions. A legislative change of that sort would do for the wild and lonely parts of the whole country what the National Park scheme proposes to do for a few selected ones. The plain truth is that in preserving the amenities and securing proper planning for the countryside many methods of approach may be used. Some are equally good, and all (1) can be tried." A few days earlier it had asserted that the danger of establishing Parks in the manner recommended was to regard them like "flies in amber" -clearly-defined and rigidly-controlled areas in which the ordinary life of the countryside would almost cease. A much looser system of access and scenic safeguards was desirable.

After 1933 the next Conference which included as a major part of its proceedings a discussion on this question was that in 1937, at Leamington Spa. The open session on 16th October was devoted to a discussion on National Parks and a comprehensive resolution was passed at the end of the afternoon which called

(1) Manchester Guardian 16th October 1933.
(3) 14th-17th October. For proceedings of conference see CPRE Monthly Reports Vol. 10 No. 2 Nov., 1937 pp. 17-25. Also The Times 18th October 1937.
upon the government to set up a National Authority empowered
to fulfill five distinct functions.

These were: 1. to select the National Park areas,
2. to co-ordinate local authority planning schemes,
3. to co-ordinate the activities of government
departments and public concerns in these areas,
4. to provide and distribute funds for compensation
and acquisition, and
5. to supervise the management of each Park.

Fulminating during the discussion against official torpor,
George Trevelyan spoke in almost lyrical terms: "time flies,
destruction walks by noonday, the beauty of England yearly
diminishes, while the state still expects, or pretends to expect,
the local authorities to do alone what they themselves cannot
do, and to find the money that they unaided cannot find", while
the Manchester Guardian commented on the problem in a leader
two days later which supported the intentions behind the CPRE
resolution. This was entitled pigeon-holed, and it asserted
that "The Report was pigeon-holed at a time of grave national
depression. There is no excuse for ignoring it now".

A month previous to the Leamington Conference, in September
1937, two other bodies meeting together had each devoted part of
their proceedings to the same subject. One was the British
Association for the Advancement of Science which assembled at
Nottingham, and the other the Town Planning Institute at its
Town and Country Planning Summer School in Manchester. There
was reference made to National Parks in the discussion on the
planning of land-use in Britain which took place at the former

(1) Ibid.
(2) Ibid.
(3) Manchester Guardian 18th October 1937.
gathering, while at the latter Mr. John Dower presented a paper entitled "A policy for National Parks in Great Britain". The policy which he commended to the delegates was in essence the same as that proposed by the Addison Committee, as he himself emphasised. The aim was to do a "national job at national expense", and the functions which he listed for the National Park Authority were identical to those already described in the CPRE resolution. On the financial arrangements he stressed that more generous provision should be made than Addison recommended, and that the budget should be clearly drawn up under headings so as to meet distinct needs. Thus he suggested an annual grant of £20,000 for running expenses, an initial grant of at least £200,000 for assisting local authorities in compensation and land acquisition, and the power to borrow up to £1 million for the purchase of farms and other land which would produce an investment revenue.

A rather similar suggestion had been put forward earlier in September 1934 by Mr. Thomsen of the Royal High School, Edinburgh. He read a paper to the meeting of the Corresponding Societies of the British Association gathered at Aberdeen in which much of his argument was devoted to reiterating the points which he had expressed in his evidence to the Addison Committee.

(1) Discussio n on planning of land-use in Britain - proceedings of British Association 1937, pp. 486-499. See also the resolution calling for National Parks, passed at the annual conference of the UDC Association in June 1939 (CPRE Monthly Reports Vol. 12 No. 5 July 1939 p.46).
(3) It is interesting here to compare his paper with the draft NP bill he prepared in 1939. (see pages 157-152 below).
(4) Manchester Guardian 13th September 1934. The address was printed as a booklet entitled "National Parks for Great Britain - a 25-year plan", (1934).
However he went further than before in suggesting that the Forestry Commission should be taken as a model for a National Park Commission, which should have similar powers and resources. The financing of its work could be drawn from the profits accruing to the Crown Lands, and he suggested that in the first instance a lump sum of £350,000 would be reasonable to help establish National Parks.

The Political and Economic Planning organisation also considered the cost of setting up National Parks in an article entitled "Can we afford National Parks?" published in May 1936. In this a comparison was made between the cost of the central government of administering town parks through the Office of Works (£250,000 in 1936) and the benefits accruing to the nation as a whole. It went on to argue that a similar sum at least could be spent in wild and scenic areas with more beneficial results, and attacked the government's view that the Addison recommendations were not financially sound.

2. OTHER METHODS SUGGESTED FOR THE ESTABLISHMENT OF NATIONAL PARKS.

(1) Sir Lawrence Chubb's proposals.

In 1933 at the sixth National Countryside Conference Sir Lawrence Chubb, the Secretary of the Commons, Open Spaces and Footpaths Preservation Society, gave a paper entitled Access to the Countryside, in which he enumerated the various devices which had resulted in a wide measure of public access.

(1) The suggestion that the Forestry Commission might act as an example for any National Park body is an interesting one to consider. Further consideration of this proposition can be found in Chapter Six.

(2) Political and Economic Planning, Planning No. 75 May 1936 pp. 10-12.

(3) Printed in Journal of COSFPS Vol. 3 No. 4 Oct., 1933 pp. 121-128. (a similar article by Sir Lawrence had previously appeared in The Hiker and Camper" Vol. 2 No. 2 March 1922, pp. 72-73, entitled National Parks-an alternative").
being secured in certain upland areas. In particular he took the example of the Lake District, where he estimated the public had access to "more than" 43,000 acres through regulation schemes for the common lands, the application of Section 103 of the 1925 Law of Property Act to both Crown Lands (e.g. Birklegg Common, near Ulverston) and private estates (e.g. Lord Leconfield's holdings in Eskdale Fell, covering 7,245 acres), the throwing open of National Trust property and even the granting of access to certain water gathering grounds belonging to Manchester Corporation around Haweswater.

This idea that land could be opened for access and that a sort of "national park" established by stitching together a patchwork of access and preservation agreements on the basis of existing procedures was a favourite point Sir Lawrence liked to make. An article in his name appeared in the Journal of the COSFPPS in April 1934, in which he claimed that as the government clearly had no intention of acting on the Addison recommendations, then local authorities and voluntary bodies should support the use of the 1932 Planning Act to establish National Parks, the cost of which he believed would not be excessive. He elaborated this argument in an address which he gave to the Nature Lover's Conference at Llanberis on 27th September 1934, on the subject of Snowdonia as a National Park. He saw the extensive areas of common land and Crown property as offering the possibility of a larger Park which could be taken further if the local planning authorities made co-ordinated efforts to reach agreements with local landowners. "The Commissioners of Woods and Forests, as representing the Crown, have already applied the Section (i.e. 193 of the Law of Property Act) by deed to 4,069 acres of common

(1) Ibid. pp. 125-126.
land belonging to the Crown in Caernarvonshire... The first step to be taken then in the direction of a National Park for Snowdonia is to bring the whole of the 28,000 acres of commons in and around it under control... The second step lies in the hands of the Planning Authorities. They should at once open negotiations with the owners of the mountains and valleys in order to endeavour to induce them to allow this land to be scheduled under Planning Schemes for permanent preservation as private or public Open Spaces". The date of this exposition of Chubb's views on Snowdonia is interesting in light of the proposals published in November 1934 by Mr. Clough Williams-Ellis.

However, Chubb's proposals only appeared to have any chance of success where there happened to be fortunate concatenation of circumstances. Ideally these would be large expanses of regulated common land, a few sympathetic land-owners and statutory bodies with an enlightened attitude to public access. In addition he appeared to exaggerate the influence which voluntary bodies might exert on local authorities, or indeed the powers which such authorities themselves could exercise. In this connection it is of interest to refer to an article by Professor Abercrombie on this question which appeared in the Geographical Magazine in May 1935. The purpose of his article was to advocate the setting up of a Lake District National Park, and in it he summarised the problems which faced all local authorities and voluntary bodies if they attempted to perform a task best given to a national body. He disclosed that in the Lake District the CPRE, the National Trust and the COSPPS had taken the initiative in bringing together representatives of the three County Councils within the region (i.e. Lancashire,

(2) See pages 110-113 below.
(3) Geographical Magazine May 1935 pp. 10-12.
Westmorland and Cumberland) and proposing that they should set up a single Joint Planning Committee and a central office to prepare a common scheme. These societies had themselves put forward such a Regional Planning Scheme and had written jointly to the Ministry of Health requesting that it should impel the Country Councils towards some sort of mutual undertaking. Unfortunately these suggestions were ill-received. Later, however, after each County Council had set up separate planning committees for that part of the District which lay within their boundaries they agreed to establish a Joint Advisory Committee. No such authorities, Abercrombie felt, could do the job adequately and this dilemma was not confined to the one region.

(b) Mr. Clough Williams-Ellis' proposals.

In November 1934 Mr. Clough Williams-Ellis, who four years earlier had advocated a scheme for what amounted to "private enterprise" National Parks to the Addison Committee, came forward with a new initiative aimed at creating a Park in Snowdonia within the existing framework of legislation. The salient point of his proposal was that a scheme could be instituted by using local circumstances to the best advantage. The land surrounding Snowdon comprised about 38,000 acres of common land, with an additional 19,000 acres owned by the Forestry Commission and further expanses in the hands of the Crown Commissioners. Beginning with such land Mr. Williams-Ellis argued that it would be possible to persuade the local

(1) CPRB Monthly Reports Vol. 1 No.1 October 1932 p.20.
(2) See parliamentary Question asked by Mr. Mander on 19th March 1930. (299 HC Deb. 555 996).
(3) See page:44 above.
(4) For an account of his proposals, see Manchester Guardian 5th November 1934.
authorities to use the provisions of the 1932 Act to schedule large areas of private land as permanent open spaces for the public, with or without access, and pay compensation if necessary.

The Caernarvonshire County Council resolved to encourage a Regional Planning Scheme for the whole of the county, totalling 354,000 acres, and a conference was held in December 1934 of all the planning authorities within the county to discuss it. This meeting was addressed by Mr. George Pepler, the Chief Town Planning Officer of the Ministry of Health, who had shown interest previously in this area during the deliberations of the Addison Committee.

Mr. Williams Ellis had earlier bought a 600-acre farm called Hafod Llwyfog in the Gwynant Valley, and on 21st January 1935 he formally announced that 300 acres of this estate was to be given to the National Trust as an outright gift, conditional upon the eventual creation of a National Park in some form - he described it as a gift "to the rest of Wales and the rest of the world". It was also disclosed that Professor Abercrombie had agreed to draw up a plan for the area. Abercrombie himself, speaking at the Caernarvon Chamber of Commerce on 1st February, claimed that only a small amount of land was actually in danger and would cost money to protect; the main purpose of such a local initiative was that it might eventually inspire the government to take action. An informal committee comprising

(1) CPRE Monthly Reports Vol. 5 No. 1 March 1935 pp. 27-28. This scheme, which covered virtually the whole area of the proposed National Park, was approved by the Minister of Health in January 1939.
(2) See page 47, footnote (1) above.
of Mr. Williams-Ellis, Professor Abercrombie and the Secretaries of the National Trust, the CPRE and the CPFW was set up to implement plans; it was hoped that because most of the land could be secured by the use of restrictive covenants that no appeal would have to be made for money.

In June Mr. Williams-Ellis published an article The Snowdon Effort in which he described his reasons for launching the scheme. "Frankly my own aim is a double one. What I am really first concerned about is the integrity of one particular piece of countryside above all other, because of its intrinsic loveliness and because it is my home. If I can be counted a philanthropist at all...it could only be as a rather odd sort of secondary or incidental variety in that I perceive that only public enjoyment can justify great efforts at the preservation of beauty". He went on to make a scathing attack on the depredations of "speculators of only average barbarity" and "ignorant little bandit-builders" and stated that it "must largely depend on the attitude of those who actually own the land" as to whether the area was to be rescued. In general terms he looked upon his proposal as a "holding operation" until the government decided to take action.

His plan did not receive a completely favourable reception. Mr. Thomsen wrote to the Manchester Guardian attacking what he considered the likely cost and difficulty of it. He estimated that in the Snowdonia region approximately 170,000 acres of the total extent of 200,000 were privately owned, and therefore the cost of compensating the mineral, building and surface rights would be more than any combination of local authorities and

(4) 31st January 1935.
voluntary societies could bear. He repeated that the only viable solution was a national body with government support.

Mr. Williams-Ellis' hopes that once he started the ball rolling other landowners in the vicinity would join in were ill-founded. Certainly no further gifts of land were added to the original 300 acres, and the deliberations of the informal Committee, depending as they did so much on the energy of Williams-Ellis himself, were rapidly overtaken by other events such as the planning of a National Forest Park in the region and the establishment of the Standing Committee. His plot still lies in the hands of the National Trust, at the heart of the present Snowdonia National Park.

(c) The development of National Forest Parks.

From its establishment in 1919 the Forestry Commission quickly became one of the largest single land-owners in the less fertile upland areas of Great Britain. Because these same areas were the sites of likely National Parks the relationship between the walker and the Commission was an important one. It should be understood that "forestry land" was not merely synonymous with uniform ranks of conifers, but also included young plantations and quite significant extents of unplantable

(1) This comment is based on correspondence with Mr. Williams-Ellis. He unfortunately lost all his personal papers in a fire at his home in 1991, and being over 90 years of age his ability to recollect events unaided is naturally impaired. The matter is not referred to in newspapers, journals or minutes at any subsequent date as far as can be ascertained.
land of no economic importance. Therefore the Commissioners had to make differing assessments of what access could be allowed; on marginal unplantable land the public needed no close limitation, while in and around the young plantations it could clearly have a very harmful affect. In the mature forests, although the risk of damage was less, so was the interest of the walker. Therefore in such areas more attention was paid to the provision of picnic and camp-sites.

Once the demand arose for wider public access to the open countryside it was unlikely that the Forestry Commission could remain aloof and refuse to acknowledge it. In this respect it had less cause for complaint than other public bodies such as the water undertakings, with their serious problems of pollution and disease. In the event, the opening up of forestry land to the walker did not have to wait upon the establishment of National Parks, but was secured in the form of separate institutions known as National Forest Parks. By 1939 only three had been created within Great Britain, but as a portent of what might be done on a wider scale their development was an interesting one.

(1) In January 1936, Sir Lawrence Chubb published an article on the movement towards National Forest Parks in which he indicated that of the 909,000 acres held by the Commission according to its 1934 Report, unplantable land totalled 324,000 acres. Generally this was land too high to make grazing or the breeding of game possible. (The Forestry Commission and the public, Journal of COSFPS Vol. 4 No. 5 January 1936 pp. 170-175).

In the House of Commons on 1st July 1938 Mr. Ropner asserted that out of the 1,000,000 acres which the Forestry Commission held, 400,000 was unplantable (337 HC Deb. 5a 2355)

(2) In this connection it is of interest to take note of remarks made by Mr. Ropner (a member of the Forestry Commission) during the Adjournment Debate on National Parks on 9th December 1936. He said "the House may be interested to know that the Forestry Commission could increase the number of forest parks to ten or a dozen with comparatively slight expenditure of public money. We have been forced in our acquisitions to buy land which is unplantable, ...and it is ideal in many ways for the establishment of National Forest Parks". (318 HC Deb. 5a 2084)
The first suggestion for the use of Forestry holdings for recreation came in 1926. Lord Bledisloe (then Parliamentary Secretary to the Ministry of Agriculture) proposed the creation of a National Park in the Forest of Dean. The matter appears to have lain dormant until mid-1929, when it was revived in the general agitation for the setting up of the Committee on National Parks. The Deputy Surveyor in the Forest of Dean wrote a memorandum to the Assistant Commissioner suggesting that the Forestry Commission should do something about it "as the idea seems to be catching hold". The next month the Secretary of the Commission (Mr. Herbert) wrote to the Office of Works stating that there were no objections to camping and picnic sites within the Forest. The same month, at the meeting of the Forestry Commissioners, consideration was given to drawing up a policy on recreation "as in due course public access to all State forests would be permitted", and a plea was made for more money to implement such a policy.

In its evidence to the Addison Committee, presented in the form of a memorandum, the Forestry Commissioners stated that they were prepared to open their extensive holdings of unplantable land to ramblers and also allow regulated access to mature forests. However the first twenty years of growth was the period when plantations were at most risk, and provision would need to be made against damage and fire, through both indemnity

(1) In a speech following a lecture at the Royal Society of Arts given by Mrs. Henshaw of the Canadian National Park Association, on 24th November 1926. Reported in The Dean Forest Guardian, 27th November 1926.
(2) Memorandum dated 26th June 1929 in Forestry Commission file FC/19/0.
and regulation. It was also important that no additional expense fell to the Commission because of increased access.

However no significant developments followed from this until the beginning of 1935, when mention of the concept of the National Forest Park, as distinct from a larger National Park embracing Forestry Commission land, first appeared in the records of the Commission. At the Commission's meeting on 21st February 1935 the Chairman reported that the Chancellor of the Exchequer had agreed to the setting up of an Advisory Committee and had sanctioned some "modest expenditure" towards the establishment of one Forest Park.

The Committee appointed consisted of seven members, and its deliberations were concerned primarily with the Commission's Scottish holdings. Its report was published at the end of 1935 and Sir George Courthope (a Forestry Commissioner and official spokesman for it in the House of Commons) announced that the Commission would accept its findings. A meeting was convened early in January 1936 to discuss ways of establishing a National Forest Park 50,000 acres in extent in Argyll, and the Treasury sanctioned the expenditure of £5,500 in the 1936-7 financial year on this project.

None of these developments had touched England or Wales so far, but between 1936 and 1939 two Forest Parks were established there, one in Snowdonia and the other in the Forest of Dean.

(1) See Forestry Commission file FC/19/10.
(3) The members were: Sir John Stirling-Maxwell, Col. Stewart-Forthingham, Sir John Sutherland, Sir Ian Colquhoun, the Master of Polwarth, Sir Lawrence Chubb and Sir Percy Mitchell. (note the predominantly Scottish membership)
(4) 307 HC Deb. 5s 1586 17th December 1936.
The Committee to investigate the feasibility of establishing the Snowdonia Park was set up on 31st March 1937 and consisted of a prominent land-owner (Lt. Col. JL Wynne-Finch) as Chairman, assisted by Professor Abercrombie, Sir Lawrence Chubb, Mr. Williams-Ellis, Mr. DR Grenfell, Lord Howard de Walden, Sir John Sutherland, Mr. WL Taylor and Mr. D Hewitt. Its terms of reference were "to advise as to the steps which might be taken to form a National Forest Park on their (i.e. the Commissioners') property in the vicinity of Snowdonia". The recruitment of several local notables onto the Committee appeared an astute move to turn the flank of any local antagonism, while to the advocates of a local National Park the Commission's proposals were seen as the beginning of something much more important. Mr. Williams-Ellis was interviewed upon his appointment, and was quite blunt about his involvement. "I only consented to join the Committee on the understanding that this idea was a sort of first instalment. Insofar as it is that I am still whole-heartedly in favour of the proposed scheme....I regard it as a very good first step towards getting the public to become accustomed to the idea of a National Park. It will be a foretaste for them of the undoubted advantages there are in establishing a national park."

The Committee held four meetings at which evidence from interested bodies was presented, and it visited the area twice. Its Report was published in mid-November 1937, and was welcomed as a significant step towards the achievement of a wider scheme. Its detailed proposals covered the Gwydyr Forest in the Vale of

(2) Interview reported in Manchester Guardian 1st April 1937.
(3) Report of Committee, para. 2.
(4) See reports in Manchester Guardian 15th November 1937 and the Liverpool Post 13th November 1937.
the River Conway, some 18,000 acres in extent. Rambling and climbing activities were to be encouraged and light camping permitted for an experimental period. No recommendation was made concerning the general access of the public but the Committee pointed out that numerous footpaths, bridleways and tracks existed in the area, and it stressed also that the Commissioners were willing to augment these with ones which had been used on a "permissive" basis for several years. A small executive Committee to establish and run the Park was set up in May 1938, although in fact its official opening came after that of the Forest of Dean.

This second area came under consideration in early 1938. A Committee was set up on 25th March, again with Colonel Wynne-Finch as Chairman. Its other members were Sir Lawrence Chubb, Sir John Sutherland, Mr. Taylor, (all of whom had sat on the Snowdonia Committee the previous year), Mr. AC Gloucester, Mr. RH Pelham, Mr. K Shennan and Mr. RE Westaway. It also held four meetings and eventually issued its Report on 30th November 1938. The area it was concerned with covered nearly 20,000 acres and as far as access was involved it stated that "the Forest is well-served by roads and tracks and is freely accessible to the general public". Even in the portions which were subject to enclosure the Forestry Commission "have no objection to controlled access" provided care was taken to safeguard young plantations and prevent fire damage.

(1) Report of Committee, para. 7.
(2) Forestry Commission file FC/19/10.
(3) Report of Forest of Dean National Forest Park Committee (p. 1938).
(4) Report in Manchester Guardian 1st December 1938 and leader.
(6) Ibid.
By February 1939 a small executive committee comprising (1) Mr. Ropner and four other members was formed to initiate work on the Forest of Dean Park, and its formal opening was held on 12th August at Christchurch, near Coleford.

In fact on 24th May the Forestry Commission had expanded the Forest of Dean Committee to become an advisory committee to look into all proposed National Forest Parks within England and Wales, and increased its membership to 21. By this time a general policy had been drawn up by the Forestry Commission. First of all a small committee of enquiry was to be set up for each specific area suggested. The recommendations of this Committee would go in front of the Commissioners and, if they approved them, on then to the General Advisory Committee. From this body a small executive committee would be established to set up and administer each Park. Powers of co-option would ensure (4) fair representation of local interests.

However by the middle of 1939, when three such Parks had been established within Great Britain, the Treasury was still only willing to sanction an annual budget of £5,000 for them all. (5) Although such measures as had been taken by the Commission therefore did not amount in practice to any large degree of public access (in particular they had not yet touched upon an important area such as the Lake District), at least they could be seen as the first positive steps towards the greater objective of a truly country-wide system of National Parks.

(1) Forestry Commission file FC/19/10.
(3) Forestry Commission file FC/19/10.
(5) Letter from Treasury (ref. S.40836) on 4th May 1939, op. cit. (the individual figures were: Argyll - £233, Snowdonia - £3,228, Forest of Dean - £1,489) See also Cmd. 6447 Post-War Forest Policy para. 476.
Both Mr. Ropner and Sir George Courthorpe spoke favourably about these developments during the Debate on Supply on 1st July 1938 (1) when the Forestry Commission was under scrutiny. Ropner stated that "far from the Forestry Commission enclosing such (i.e. unplantable) land, it is our desire that it should not be sterilised, and the Commission intends in the future to take whatever action is necessary to give more convenient access to these great stretches of highland country". He continued "we have, as a matter of policy, gone slowly with the establishment of these parks; but our experience so far has been that all the organisations that may be expected to make use of these areas have rendered great assistance in educating the public... It is certainly the wish of the Commission that this National Forest Park movement should be extended, and greatly extended, in (2) future". This enthusiasm was even shared by some members of the Opposition, judging from the remarks of the Member for Stirling and West Clackmannan (Mr. Johnston), who congratulated the Commissioners on their achievement - "it is a great thing the Forestry Commission has done....they have taken over 50,000 acres (i.e. the Argyll Park) which was previously barred to the public. It was in private ownership and it was going derelict... the public are to be allowed to see the beauties and glories of a nationalised land system which a Conservative government are (3) happily inaugurating". This sentiment was echoed by the Manchester Guardian in its last editorial statement on the access question before the outbreak of war. It commented that "It should whet his (i.e. the rambler's) appetite for national action to preserve

(1) 337-HC Deb. 5s 2285-2361.
(2) Ibid. 2355-2356.
(3) Ibid. 2355.
before it is too late other distinctively beautiful areas in which unfortunately the Forestry Commission has not authority".

(d) The South Downs Preservation Bill.

In 1934 the East Sussex County Council sought leave to introduce a local measure with the title of the South Downs Preservation Bill. As this indicates it was aimed primarily at preserving the open aspect of the Downs as a geographical region and was not specifically a measure for securing additional public access. However, as the amount of access was already considerable in this area one of the incidental benefits of the Bill would have been to secure these rights against encroachment. The other interesting thing about this Bill was that it appears to have been the only effort made by a local authority to establish a "national park" within its area by means of a Local Act of Parliament.

The immediate reason for its presentation was the threat of speculative building and developments such as motor racing circuits which faced the Town Planning Committees in the vicinity. Their own powers of control were considered inadequate and the likely demands for compensation too great, so the County Council undertook to try and place the whole region under the protection of a Local Act. This was first introduced in the House of Lords

(1) Manchester Guardian 14th August 1939, (Sir Lawrence Chubb had earlier praised the Commission in a similar vein, for "their real anxiety to add to the innocent enjoyment of the people by affording reasonable facilities for access..."

(2) For a summary of the Bill's provisions see CPRR Monthly Reports Vol. 4 No. 1 July 1934 pp. 3-6; also Sussex Daily News 24th February 1934 and the debate on Second Reading.

(3) "A Bill which is designed to preserve in its present state some 40,000 acres of downland, so typical of the beauty of some of the stretches of our English landscape, some 40,000 acres running in an arc with an average depth of some two and a half miles for thirty miles westward from Beachy Head".
(from the Marquess of Zetland's opening speech on Second Reading 91 HL Deb. 5s 907, on 1st May 1934).
in February 1934 and then referred to the Examiners. It received its First Reading on 24th April and its Second Reading on 1st May, when the Marquess of Zetland set out the case for its enactment. A Select Committee was appointed on 9th May to examine its detail and attempt to reconcile the conflicts of interest which had sprung up, but by 1st November it recommended "that it is not expedient to proceed further with the Bill". The reason for this decision appears to have been the failure of the County Council and the Corporations of Brighton and Hove to reach agreement on the division of planning powers and the sharing of costs under the provisions of the Bill.

(c) The King George Vth Memorial Trust.

The approach of the Silver Jubilee of the reign of King George Vth was the occasion for the launching of a Trust on 1st March 1935 whose purpose was to receive subscriptions and contributions towards schemes for the "welfare of the younger generation". At the time of its initiation the nature of these schemes were not specified, and it was stated that suitable suggestions were to be solicited from interested bodies. The nature of the Trust was changed to that of a Memorial upon the death of the King on 20th January 1936, but its aims remained the same. As events later proved the imagination of its Committee did not stretch further than the establishment of playing fields and other recreational facilities, but several

(1) 90 HL Deb., 5s 995, 28th February 1934.
(2) 91 HL Deb., 5s 699.
(4) 92 HL Deb., 5s 153.
(5) 94 HL Deb., 5s 94.
(6) For a full account of the negotiations and the reasons for its ultimate failure, see Sussex Daily News 2nd November 1934.
(7) The Times, 2nd March 1935.
organisations interested in the setting up of National Parks saw these as a worthy means of commemorating the King's reign. At the National Parks conference held at the Central Hall Westminster on 30th November 1935 Professor Abercrombie tabled a resolution seeking contributions from interested sources for the Jubilee Trust to set up at least one Park, and in May 1936 the CPRE made a formal suggestion to the Committee of the Trust that this measure would constitute a suitable Memorial. By 1937 however, when the decisions on what forms the memorial should assume had been taken, National Parks did not feature amongst them. Presumably it was felt that such a radical measure would be unduly susceptible to controversy and would generate ill-will, neither of which would be appropriate to such an august endeavour.

(f) A Welsh National Park under the Special Areas Act.

The final example of attempts made to establish National Parks which fell outside the ordinary range of initiatives can be found in the Reports of the Commissioner for Special Areas. In February 1936 Mr. Malcolm Stewart in his Second Report suggested that at least one Park should be set up in South Wales in the vicinity of the Brecon Beacons, which would cover between 15,000 and 25,000 acres. This land lay in fact outside

(1) For example, see resolutions passed by Youth Hostels Association at its 1935 AGM, and the Friends of the Lake District Executive Committee, April 1936 (see Manchester Guardian 28th April 1936)

(2) See minutes of meeting, with Ramblers' Association. Also The Times 2nd December 1935.

(3) CPRE Monthly Reports Vol. 7 No. 1 May 1936 p.13.

(4) See also the proposal made that the Fund should help to establish the Pennine Way - an even more controversial suggestion. Tom Stephenson "Open up the Health Trail" Labour April 1936 p.199

the Special Area in South Wales but Mr. Stewart accounted for his interest by stating that he saw it as a means of revitalising in a small way the whole of that part of the Principality and securing a degree of employment. He returned to this proposal in his next Report in November, although there appeared to be little official encouragement for the idea. The only instance of concern shown in it can be found at the Standing Committee on National Parks meeting on 20th January 1937, when a letter from Mr. Alex McIntosh was read out in which he pleaded for it to lend support to Mr. Stewart's plan. This request was turned down reluctantly because the Committee had previously agreed not to press the claims of individual areas. In subsequent Reports in 1937 and 1938 further rather forlorn references were made to the proposal, but the matter seems to have held little interest by then.

(1) Third Report of Commissioner for the Special Areas of E & W. 1936 Cmd. 5303 para. 223; Also report in Manchester Guardian, 11th November 1936.
(2) Minutes of meeting, with CPRS.
(3) Cmd. 5896 para. 369.
3. **ACTIVITY RELATING TO INDIVIDUAL AREAS.**

While much attention was given between 1931 and 1939 to establishing the principle of National Parks, there was also activity by local pressure groups to try and set up individual Parks in their particular areas.

The appointment of the Addison Committee had encouraged local preservation and amenity bodies and enthusiastic individuals to present evidence relating to their own localities. In fact, most of these early National Reserve Committees which had been formed during 1929 and 1930 remained in existence, although without displaying much obvious activity. Apart from the bodies established in the Lake District and in the Bowland area the others which continued became adjuncts of either the local CPRE branch (as in the case of the Forest of Dean) or the local Ramblers' Federation (as in the case of the Peak District). In October 1933 an attempt was made by the CPRE and the Commons Preservation Society to bring about some degree of liaison between these local bodies. A meeting of the five extant Committees (i.e. the Lake District, Bowland, Dovedale, Cannock Chase and the Peak District) was convened at Buxton on 14th October, with a view to establishing one central co-ordinating committee.

However, there is no evidence that this initiative was taken any further.

(a) **The Lake District.**

In the case of the Lake District the call for wide public access allied with a degree of scenic preservation antedated the Addison Committee by many years. Indeed, it is claimed that

(1) Statement concerning this meeting appeared in *Manchester Guardian* 16th October 1933.
William Wordsworth was the first advocate of a National Park in the English Lakes, in 1810. Certainly the founding of the National Trust stemmed from the increasing concern felt about the growing threat to the area. In its Annual Report for the year 1904 there appeared a definite proposal that a National Park should be established there. Between the early 1900s and the setting up of the Addison Committee the Lake District came to be one of the principal concerns of both the Trust and the Commons Preservation Society, with many of the lakesides and fell slopes either being bought or donated to the Trust, or regulated in the case of the commons. In fact the National Trust evidently had more ambitious plans still according to remarks made by Mr. Angus-Butterworth, an official of the Trust, when he addressed the Manchester Literary and Philosophical Society on 19th January 1937. He asserted that the Trust “hoped” to take over the whole of the Lake District as a National Park under its jurisdiction. Towards this end an official of the Trust had been sent to take up residence in the area as a permanent official.

The Lake District National Reserve Committee was the second to be set up upon the announcement of the Addison Committee. By 1929 something approaching twelve different bodies existed for preserving the amenities of the region, and of these, nine were represented on the Reserve Committee. After the National Park Report had been published another conference of representatives from interested organisations was held at Windermere in February 1932 on the initiative of the CPRB, in order to revivify the local Committee. There it was agreed that

(1) For a fuller account of this, see R. Fedden The continuing purpose – a history of the National Trust. (1968) pp. 1-40.
(3) Manchester Guardian 20th January 1937.
the three County Councils within whose boundaries the likely National Park area lay, together with the CPRE, the National Trust and the COSFPS, should set up a single Committee, preferably with executive powers. This body met again on 22nd February 1933 at Windermere, consequent upon the visit of the parliamentary Amenities Group to the Ministry of Health, and passed a resolution calling upon the County Councils to establish (1) a Joint Advisory Planning Committee. Within the next couple of years some progress was made in this direction, but it was clear that much stronger concerted action would be necessary to achieve anything more tangible and therefore at a meeting of the Reserve Committee on 9th March 1934 it was proposed that the body should be reconstituted and made much wider in its appeal so that support could be organised on a country-wide basis. This reconstitution was carried through at a public meeting in Keswick on 17th June, when the title of the National Association for the Preservation of the Lake District (colloquially known (3) as "the friends of the Lake District") was adopted. In the next few years the Association established branches in London, Manchester and Liverpool, and held several public meetings to generate support. (4)

(1) CPRE Monthly Reports Vol. 1 No. 6 April 1933 pp. 12-13 (see also Rambling No. 1 June 1933, pp. 3-5. The Lake District—does it need a plan? by Prof. Abercrombie).
(2) CPRE Monthly Reports Vol. 3 No. 4 April 1934 p. 18.
(3) CPRE Monthly Reports Vol. 4 No. 1 July 1934 p. 16.
(4) Two such meetings were held in 1937; in Manchester on the 1st March at Milton Hall, Deanagate, and on 7th May at Liverpool University. Both were chaired by distinguished academics who had given their influence to the National Park cause—the former by Prof. Abercrombie and the latter by Prof. Stocks. (see Manchester Guardian 22nd February 1937 and 8th May 1937.)
In 1933 further publicity was gained by means of a travelling photographic exhibition which after its unveiling in Keswick in July visited several major cities, including London. In June 1937 the Association issued a major statement of policy in the form of a pamphlet Make the Lake District a National Park and subtitled pointedly "an appeal to all lovers of the English Lake District". In this document a plea was made for a central government Commission to be set up to administer the area in a way the local authorities, on the evidence of the CPRE's earlier initiatives, seemed incapable of doing. In particular a central Commission would be more able to overcome two major shortcomings in Regional Planning — namely the compensating for restrictions on building and land-use, and the control of statutory bodies such as the Forestry Commission and the Electricity Commission whose activities were considered detrimental to the area's amenities.

These arguments were developed further in an article in The Field, which argued that despite the dedication of private bodies, only some sort of authoritative control could stay the "hand of the Philistine". "As far as has been possible voluntary societies such as the CPRE and the Friends of the Lake District have done all they can to stop such desecration, but real success can only be obtained if the district is state-controlled".

Despite the absence of deeply-entrenched sporting rights in the area the local land-owning interests were seriously alarmed by this open advocacy of central government control. They feared

(1) The Times 1st August 1938.
(2) Pamphlet published by the Association, June 1937.
(3) For a summary of the document see Manchester Guardian 14th June 1937, editorial comment in same newspaper 15th July 1937.
(4) J G Luscombe, Lakeland, a national park. The Field 22nd October 1938, (also see letter by Mr. K Spon in Manchester Guardian 14th December 1936, which argued a similar case).
the curtailment of shooting and other rights and the virtual loss of control over the use of their land that might accompany this step. A private meeting was held in Kendal on 6th December 1938 of all landowners in Cumberland and Westmorland opposed to the concept of a Lake District National Park but no announcement of its deliberations was made, presumably so as not to render help to their opponents. Such action seemed to indicate that in this region if nowhere else the local pro-Park lobby was of sufficient strength to make the landowners nervous of their position.

(b) Bowland and Malham Dale.

Another manifestation of support for a "local" National Park was apparent in the Bowland and Malham Dale area of the northern Pennines. At the time of the National Park Committee's deliberations this area had been recommended by the Manchester and District Joint Town Planning Committee, but no separate Committee had been established to press its claims. Three years later, on 4th and 5th February 1933, several open air organisations in Yorkshire and Lancashire (including the five Ramblers' Federations in the area) sent delegates to a meeting convened at Clitheroe by the West Riding Ramblers' Federation to investigate the feasibility of setting up a Committee to publicise the claims of the area. Such a Committee was constituted with Mr. Moorhouse of the West Riding Federation as its Secretary, and a further meeting was held on 16th September.

(1) Report in Manchester Guardian 7th December 1938.
(2) See pages 24 & 25(Also T Stephenson, Forest of Bowland - a proposed National Park, Hiker and Camper vol. 1 No. 9 October 1931 pp. 25-27).
(3) Report in Manchester Guardian 6th February 1933.
1934, at which their case was formally published.

(c) Other areas.

Strangely, despite the amount of agitation for a National Park in Snowdonia, no formal Committee was ever constituted to press its claim, either in 1929-30 or subsequently. The only body which was specifically concerned with preparing the ground for a Park in this area was the informal Committee set up following upon Mr. Williams-Ellis’ proposals in 1936.

The position in the Dovedale and Manifold valleys is interesting to examine here, for in a quiet and less obtrusive fashion the nucleus of a National Park had been formed by a similar means as that recommended by Mr. Williams-Ellis for Snowdonia. Between 1934 and 1939 a number of steps had been taken which had resulted in the piecemeal creation of virtually a “private” National Park. A combination of private munificence by benefactors such as Sir Robert McDougall, Mr. Kerfoot and the Pilgrim Trust, together with acquisition (in some cases through public appeals) by the National Trust, had secured an area of several thousand acres containing the most scenic parts of the valleys. A summary of these steps can be found in an article in Country Life in June 1939.

As far as parliamentary activity in this respect went, it appeared to be confined to tabling of questions to the Minister of Health asking about progress towards either the establishment of specific National Parks, or the granting of wider public

(2) See pages 111 and 112 above.
(3) E. Barber, The dales of Dove and Manifold - making a National Park, Country Life 10th June 1939 pp. 605-608.
access. Between 1933 and 1939 ten such questions were asked. (1)
Of these, six related to Dovedale and all enquired about the
progress of Joint Planning Schemes in the valley. Three questions
were asked concerning the progress of planning in the Cannock
Chase area, and finally one was put concerning wider public
access to publicly-owned land in the Peak District.

(1) See Appendix 2.
(2) On 17th February 1936 Mr. Ellis-Smith referred in his
question to a resolution passed by Stoke City Council
on 20th January, pledging the use of its planning powers
to defend its part of Dovedale.
CHAPTER FIVE
THE STANDING COMMITTEE ON NATIONAL PARKS.

Dominating all other developments between 1931 and 1939 was the setting-up of the Standing Committee on National Parks in late 1938, and its subsequent efforts to win official and public support. From its beginning the Committee acted as a nucleus around which many activities clustered, and because of this importance a separate Chapter is devoted to scrutinising its central role.

1. THE ESTABLISHMENT OF THE STANDING COMMITTEE.

Although the Committee quickly became associated with the Council for the Preservation of Rural England the initiative to found such a body was taken by the Joint Committee of Open Air Organisations, representing the Ramblers' Association, the Youth Hostels Association, the Camping Club, the Holiday Fellowship and the Co-operative Holiday Association. (Neither the CPRB, the Commons Preservation Society nor the National Trust were associated with this body.) The CPRB had already made enquiries (through the Chairman of the parliamentary Amenities Group) about the likelihood of official action which had drawn the answer that the government was not yet prepared to implement (1) the recommendations of the Addison Committee, so it became clear that some permanent group ought to be formed to press (2) the case afresh. Therefore the Joint Committee, through its Chairman Mr. George Mitchell (the Secretary of the RA), convened a National Parks Conference on 30th November 1935 at the Central

(1) See pages 84 to 86 above.
(2) See leader in Manchester Guardian on the day of the Conference.
Rail Westminster which was attended by over 200 people, made up of delegates from affiliated bodies and interested private individuals. Amongst these were Mr. Norman Birkett (who presided), Professor Abercrombie, Mr. Williams-Ellis and Dr. Vaughan Cornish. After a lengthy discussion two resolutions were adopted unanimously, one relating to the need for a National Park Authority to be set up by the government and the second emphasising the need for some sort of Standing Committee to be established to press the case. The first resolution stated "that this Conference is of the opinion that it is urgently necessary that no further delay shall take place in giving effect to the recommendations of the National Park Committee in its Report issued in 1931, that a central Authority for National Parks shall be set up and its necessary expenditure met by means of an annual contribution from state funds, and that in view of the practical difficulty of creating National Parks in the absence of a central Authority the Prime Minister (2) be invited to receive a deputation on this subject". The second resolution stated that "a Standing Committee be appointed and invitations sent to all open air organisations and similar bodies to contribute for such time as may be necessary towards its secretarial expenses".

At this conference a Formation Committee comprising Professors Chorley and Abercrombie (its convener), Lt. Col. Buxton, Reverend Symonds, Lady Trevelyan, Miss Bright-Ashford and Messrs Birkett, Williams-Ellis, Griffin, Ramsbottom, Royce,

(1) See minutes of meeting, with RA. Also reports in The Times and Manchester Guardian on 2nd December 1935.
(2) Minutes of meeting, with Ramblers' Association.
(3) Ibid.
Leonard, Spence and Champion was elected to undertake the establishment of the Standing Committee, and it met first at the offices of the National Trust on 20th December 1935. It was at this meeting that the Council for the Preservation of Rural England was asked to send representatives and it "was agreed" that the Standing Committee should come under the aegis of that body. It was felt that only the Council had the necessary accommodation and secretarial facilities to make the Committee a viable undertaking. (Tom Stephenson however held the opinion that the CPRE merely "muscled in" and were not in fact invited to take over the running of the Committee, despite the evidence of the minutes.)

It was also agreed that the representatives of the constituent bodies were to be free to act within the terms of reference of the resolutions adopted at the November conference and that the Committee should also be free to act within such terms without the need to refer back to the Executives of the constituent bodies before initiating policy. In effect, therefore, the Standing Committee became a semi-autonomous body to campaign for National Parks. The day-to-day running of the Committee was to fall to an Executive Sub-Committee of twelve people (appointed in proportion to the membership on the main one), together with a maximum of four co-opted members and the Chairman of the Standing Committee. However, at a further

(1) Ibid.
(2) The exact wording of the minutes of the meeting read thus: "After a prolonged discussion it was decided to ask the CPRE to invite representatives from interested organisations to form a Standing Committee on National Parks. The Committee was to be under the aegis of the CPRE and the CPRE..." (Minutes of meeting in SCNP file 1930-47, with the CPRE.)
meeting of the Formation Committee on 5th May 1936 it was agreed to replace this unwieldy executive by a smaller working Sub-Committee, with the main Committee retaining the executive power.

It took a further six months from November to arrange the inauguration of the Standing Committee at a meeting on 26th May 1936. In the meantime a request was made for any local National Park Committee which had not yet done so to send to the CPRE offices detailed proposals, including maps, of areas with which they were concerned. Already evidence had been presented by the National Association for the Preservation of the Lake District and the Bowland and Malham Dale National Reserve Committee but at the time of the Addison Committee similar bodies for Cannock Chase, the Peak District and Dovedale had been set up and the hope was that this new initiative would encourage these bodies to revivify themselves.

The inaugural meeting of the Standing Committee took place at the offices of the COSFPS in Eccleston Place. The criteria used in deciding which bodies should be invited to send representatives were straightforward. First, they must have given either written or oral evidence to the 1931 Committee, and secondly they had to possess a "national" character. Colonel Buxton took the chair in the absence of Mr. Birkett, and

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(2) No evidence can be found as to whether this happened.
(3) More precisely, it was a joint meeting of the Formation Committee and representatives invited to attend from interested bodies.
(4) Minutes of meeting, at CPRE.
the membership of the Committee was established as follows:

Mr. Birkett (Chairman)
Lt. Col. Buxton MP (Vice-Chairman, from the National Trust)
Professor Abercrombie
Professor Chorley
Professor Salisbury
Mr. Dower
Mr. Leonard
Mr. Royce
Mr. Williams-Ellis
Mr. Griffith
Mr. Champion
Mr. Spence
Rvd. Symonds
Sir Charles Trevelyan MP

As it had been agreed that the body was to be regarded for administrative reasons as a Committee of the CPRE, the officers of both the CPRE and the CPRW were to be "ex-officio" members. Up to eight suitable persons would be co-opted, although in the first instance it was decided to appoint only four (i.e., Birkett, Spence, Dower, Salisbury). Mr. Thomson, Miss Bright-Ashford (COSFPS) and Professor Stapledon were three other nominations but it was decided to consider their candidatures at a later date, along with any other names which might be put forward. In order to expedite the preparation of their case a Preparatory Sub-Committee was elected as follows:

Professor Abercrombie
Mr. Dower
Professor Julian Huxley
Mr. Southern
Mr. Spence

Reverend Symonds.

It was also to include the Chairman and Vice-Chairman and two (1) other co-opted members from the Standing Committee.

Mr. Southern of the Ramblers' Association raised the question of invitations to interested bodies and said that the Committee of Open Air Organisations was concerned about the limited scope of such invitations. Since 1930 several new national bodies had been founded, while other long-established organisations such as the Boy Scouts and Girl Guides were now very interested in the concept of National Parks and wished at least to be asked to submit nominations for the Committee; he suggested that the co-opted vacancies were being filled with indecent haste. After discussion the general feeling of the meeting was that there was no substance in the latter point, while on the question of who should be invited to nominate candidates there was agreement that the two criteria decided upon (2) previously were not to be altered.

A resolution from the Ramblers' Association stating that advocacy of particular areas for prior consideration was in the meantime inexpedient was passed (i.e. the Committee was to agitate for the principle of National Parks and not seek the establishment of particular ones), and the meeting closed with a request to any bodies not yet represented to nominate delegates (3) to the Committee.

(1) Ibid.
(2) Ibid.
(3) Ibid.
The inaugural meeting aside, the Standing Committee met on seven occasions between mid-1936 and the outbreak of war and the Preparatory Sub-Committee thirteen times. While much activity went on separate from these bodies, it was through their work that the most sustained and best informed agitation resulted. From its inception the Standing Committee was criticised for being too cautious and conservative in its outlook, and ramblers had their suspicions that the main interest of its members and constituent bodies was the preservation of the countryside rather than its whole-hearted opening to the general public. Nevertheless it was felt by the leading officials of the Ramblers’ Association that the very existence of the Committee was a good thing. Any body dedicated to the creation of National Parks along the lines suggested by the Addison Report was worthy of support, and its influence and persuasion were advantages which the ramblers by themselves had previously lacked.

(1) These were on:
- 14th July 1936
- 20th January 1937
- 23rd April 1937
- 24th February 1938
- 12th April 1938
- 21st December 1938
- 13th April 1939

(2) These were on:
- 13th June 1936
- 5th February 1937
- 22nd February 1937
- 15th April 1937
- 18th June 1937
- 23rd June 1937
- 3rd December 1937
- 22nd December 1937
- 21st January 1938
- 16th February 1938
- 25th April 1938
- 24th January 1939
- 20th March 1939

(3) This assertion is based on opinions expressed in interviews with Tom Stephenson and Stephen Morton.
The task which the Standing Committee set itself were in essence three: the elaboration of the case for National Parks, including at a later stage the drafting of a suitable Bill, the presenting of this case to the general public and the winning of friends in political and administrative circles. At the first business meeting of the Standing Committee on 14th July 1936 it was agreed that there were two immediate needs. One was the drafting of a National Park manifesto and the other was the drawing up of a case to present to the government, preferably through a deputation to the Prime Minister.

2. THE POLICY OF THE STANDING COMMITTEE.

Turning aside briefly from the activities of the Standing Committee, it is important to consider the policy which the newly-formed body followed. Implicit in all its deliberations and also explicitly stated in the resolution passed at the Founding Conference was the belief that any development of National Parks should be based firmly on the Addison Committee's proposals. In fact this appears to have been so widely-accepted by most of the Standing Committee's members that very little time was devoted to thinking about ends; all efforts were bent rather to the means available. In this way the Addison recommendations cast their influence right across the decade following the publication of the Report, and it was not until the middle years of the Second World War that opinion turned towards a fresh consideration of the matter, alongside the many other "Reconstruction" problems.

(1) Minutes of meeting, with CPRE.
(2) In particular, the Report of National Parks in England and Wales (Cmd. 5688) prepared by Mr. Dower himself and issued in May 1945. This in turn led to the appointment of the Hobhouse Committee in July 1946.
Therefore it might be said that from a policy-making standpoint the Standing Committee on National Parks achieved disappointingly little, especially when contrasted with the ferment of fresh ideas cast up in other quarters from 1936 onwards. One notable exception however could be found in the work of Mr. John Dower. At the first meeting of the Preparatory Sub-Committee on 18th June 1936 he had posed a series of questions to which he suggested his fellow-members turn their minds. He argued that if everyone was clear about the answers to these seven points then the Standing Committee might be kept to a positive and clear course of action. The questions he put were:

1. what do "National Parks in Britain" mean?
2. what was proposed in 1931?
3. what had happened since 1931?
4. what was required now (i.e. 1936)?
5. how can this be obtained?
6. how can it be administered, when obtained? (1)
7. how much will it all cost?

At the full Committee meeting on 14th July 1936 Dower was given the job of preparing the draft of the general manifesto (2) which was to put the Committee's case in front of the public, but unfortunately pressure of work had prevented him from completing this task by the next meeting on 20th January 1937. However, as the Adjournment Debate had taken place during the intervening

(1) Minutes of meeting, with CPRE.
(2) On. cit.
(3) On. cit.
period he felt the whole question of setting out their case should be reconsidered in light of what had been said then.
He argued that it wasn’t so much a question of planning being delayed or obstructed in Park areas, but rather of too much “bad” planning. At the next Sub-Committee meeting on 5th February 1937 Dower elaborated his opinions on the planning mechanism by suggesting that it was not only “bad” but also haphazard in the sense that no national strategy was discernible.
He felt that there was a need for a central National Parks Authority to be able to “means test” the needs of the different areas for both financial and technical help.

It is also of interest to examine more closely the ideas expressed in his pamphlet issued in 1933, as this document constituted the fullest public expression of policy that the Standing Committee made in the first three years of its existence. It defined Parks as wild areas of countryside of some considerable extent, in which farming activities continued alongside the right of the public to walk with the barest of hindrances. It stressed that the aim should be to harmonise the ways of the visitor with the life of the country-dweller. Such a purpose could not be secured by establishing areas as Nature Reserves or Forest Parks for in such places public access was always subservient to other needs. It then went on to castigate the government for its refusal to admit that the 1932 Town and Country Planning Act was deficient in this respect. Much fell outside the scope of the Act and even where it gave

(3) *The case for National Parks in Great Britain*, published by the Standing Committee on National Parks, (July 1933).
(4) Ibid. p.4.
(5) Ibid. pp. 5-6.
local authorities powers to take action their fragmentation, lack of expert staff and low rate incomes all meant that they possessed neither the capacity nor the urge to establish National Parks. Another crucial problem was that the activities of statutory bodies and government departments were beyond the control of the local planning bodies. Finally the document closed with a statement of the policy the government should pursue. First it had to make a declaration of intent, followed by the setting up of a National Park Authority as suggested by the Addison Report. Then it should ensure that this body had adequate executive powers and finances to designate areas and to help the local authorities establish them. "There is no need to justify the use of national resources for a purpose so obviously of vital service to the nation at large" it concluded.

3. THE DEPUTATION TO THE MINISTRY OF HEALTH, IN MARCH, 1937.

As a result of the Adjournment Debate on the 9th December 1936 during which the Parliamentary Secretary of the Ministry of Health had claimed that adequate powers did in fact exist and were being used under the 1932 Planning Act (a point which the Committee disagreed with emphatically) direct consultations were considered even more urgent, so at the next meeting of the Standing Committee on 20th January 1937 plans were made for a deputation to meet the Minister of Health. Several members

(1) Ibid. p. 8.
(2) Ibid. p. 10.
(3) Ibid. p. 10.
(4) Minutes of meeting, with CPRE.
were unhappy that the Committee had not succeeded in arranging to see the Prime Minister as proposed in the original resolution but it was pointed out that whoever they saw first it was the Ministry of Health that would eventually have to deal with the matter and there was accordingly a lot to be gained by flattering it with the initial overtures. Geoffrey Mander had been asked to attend this meeting to comment on the Adjournment Debate which he had initiated, and he also gave his impressions of subsequent meetings he had had with Mr. Hudson - he judged that the Parliamentary Secretary was "sincerely interested and anxious to get something done".

The Preparatory Sub-Committee was asked to prepare a memorandum, which it did at its meetings on 5th and 22nd February 1937. On the 5th Colonel Buxton read out a draft which was to form the basis of the discussion with the Minister when he met the deputation. This quartered the matter into the following parts:

1. the planning aspect of National Parks,
2. the financial aspect of National Parks,
3. National Parks in relation to other government departments, and
4. the question of local management.

With the visit drawing nearer a further meeting of the Sub-Committee had to be called a fortnight later, on the 22nd, to finalise the case which was to be presented. It was decided that the deputation should consist of eight members and would be

(1) Ibid.
introduced by Geoffrey Mander. A final private gathering of the members making up the deputation was held on 4th March, and a further meeting of the Sub-Committee was arranged for 6th April for a post-mortem.

One of the Committee's Joint Secretaries (Mr. J Lloyd) was asked to arrange a suitable date for a meeting, and after some difficulty 15th March was finally agreed. Following the meeting of the members of the deputation on 4th March Mr. Lloyd wrote to the Minister the next day outlining the matters which they felt should be discussed and which would be detailed in their memorandum. It was intended to produce strong evidence for the setting up of a central statutory body for the administration of National Parks, and to prove by quoting particular examples such as the Lake District and Snowdonia the inadequacy of Town and Country Planning for this purpose. The main part of the memorandum was devoted to an enumeration of what were considered the major defects of planning under the 1932 Act. There were seven of these which were:

1. planning was still a permissive exercise only,
2. there was a lack of control over the actions of government departments and statutory bodies,
3. the planning process took a long time to complete all its stages, and
4. there was a potential for abuse during this period.
Also
5. most local authorities in likely National Park areas were very weak financially,
6. there was a lack of overall comprehensive planning because of the failure to appoint Joint Executive Committees, and
7. little use was made of the co-opting powers which planning bodies possessed.

(1) Op. cit. (Either Mr. Dower or Mr. Spence were to attend, depending on who would be available on the day).
(2) See correspondence in Departmental file HLG/52/716.
It also emphasised the point that any effective National Park planning under the Act was likely to suffer from the fragmentation of control to be found in most upland areas. The example of the Lake District was quoted, which had the following administrative statistics: 3 County Councils, 4 Urban District Councils, 8 Rural District Councils, and 6 planning schemes ranging in extent from two square miles to half the area of the Lake District and all at different stages of procedure.

The memorandum also sought satisfaction on a range of other points. It enquired whether planning authorities had ever received instructions to treat likely National Park areas more strictly than others; were adequate funds being made available; how were such areas to be supervised and managed (e.g. on such matters as commonslands, footpaths and bye-laws); how did the Minister intend to stimulate public opinion to accept the notion of National Parks?

The Minister's advisers drafted a detailed reply to this memorandum which read as a curious amalgam of complacency and helplessness. Its general theme might be summarised as "everything is all right but if it is not, then it was difficult to prevent it happening." Of the detailed criticisms of the 1932 Act only one (the fifth point) was admitted to be true. As far as the others were concerned the first and second points were denied and the third not considered excessive as long as irresponsible permissions were not granted in the interim period. It was stated that consultations with government departments were taking place. On the question of special care being taken with the planning of National Park areas it argued that these

(1) In fact, it was not until 1946 that an English Lakes Joint Planning Committee with executive powers was set up.
(2) Memorandum from the Standing Committee to the Minister of Health, in Departmental file HLG/52/716.
were all covered by planning schemes in England and most were in Wales, and that such schemes were working more or less well. Finance it admitted was a bad point "inherent in local government" but times were such that no improvement could be made. With regard to the running of National Parks once these had been established, and also the direction of public opinion, the answers ran in an elliptical fashion. It was felt that the best method of running them would be to create an enlightened public opinion, but then as to what kind of opinion the public should have there seemed some puzzlement. "If it is to the raising of money for the acquisition of National Parks the less said about their whereabouts the better, since to advertise them in advance would shoot up the price". (One might argue more cogently that it would have precisely the opposite effect.)

The deputation from the Standing Committee comprised of Colonel Buxton, Professors Abercrombie and Huxley, Sir Lawrence Chubb and mesers. Dower, Spence and Lloyd, with Geoffrey Mander. It was received by Mr. Hudson, the Parliamentary Secretary, accompanied by Sir Edward Campbell, Mr. Wrigley, Mr. Peplor and Miss Evelyn Sharp. Mander introduced the deputation with a brief statement as to its purpose and he was followed by Colonel Buxton, who delivered the main speech. In this he expressed the Committee's regret that six years after the publication of the

(1) In fact, according to Mr. R A Hudson speaking at the TPI summer school in 1937, the cost of the planning mechanism was too small compared to the aggregate rate income in the country. Planning cost £200,000 against £150 millions from rates. Admittedly this did not include any money spent on compensation. (The place of Planning in National and Local administration, proceedings of school, p. 33)
Addison Report no action had yet been taken on its recommendations. He emphasised the need for a strong central Authority but pointed out that the Standing Committee did not advocate further "semi-fascist" interference with local authorities from Whitehall but rather that each National Park should have its own locally-based controlling authority, all of which would contribute their views and knowledge to the central body. He also made it plain that as times stood they were willing to accept "half a loaf" if that was all the government felt it could afford, but he saw no consistency in an arrangement which rightly allocated money to other aspects of public welfare and amenity but not to National Parks. He stressed the need for co-operation from other government departments in this matter, and then closed by arguing that five years' experience of Regional Planning under the Act had shown the mechanism to be unsuitable for establishing National Parks.

Following Colonel Buxton's speech most of the other members contributed statements. Professor Abercrombie spoke of the slowness with which the Regional Planning Committee for North Wales was proceeding. It had been formed in 1927 but only last February had a formal resolution been passed to prepare a scheme, and already some of the local authorities had decided not to co-operate. John Dower spoke of the problems facing the Lake District and Kenneth Spence of the need for a Park in the Brecon area of South Wales. Sir Lawrence Chubb concentrated upon the need to safeguard common lands which could form integral parts of National Parks later, while Professor Huxley spoke of the nature conservation aspect.

(1) See comment by Mr. Hudson in Adjournment Debate in December 1936 that 1932 Act had only been effective since 1935, (318 HC Deb. 2007).
(2) Minutes of meeting, op. cit.
(3) Ibid.
(4) Ibid.
(5) Ibid.
In his reply Hudson thanked the deputation for presenting their evidence, which he promised his officials would scrutinize carefully, and welcomed the opportunity to discuss the matter with them. Unfortunately he could hold out no hope of a change of attitude on the part of the government. He remained unconvinced that the present planning powers were inadequate, and as for obtaining an Exchequer grant he insisted that "the present was a difficult time and that unless the inadequacy of present powers could be demonstrated convincingly it was improbable (1) that a grant would be forthcoming". He wound up by speaking of the good work being done by voluntary bodies and the paramount need to educate public opinion to accept the idea of National (2) Parks before much could be done officially. So the meeting concluded.

The Preparatory Sub-Committee met on 15th April 1937 after the visit of the deputation to consider its results and their implications. The general opinion was that little definite had been achieved and that the Parliamentary Secretary's answers to their points had been unsatisfactory. Accordingly it was agreed on Dower's suggestion that a further letter should be sent to him rebutting his points and seeking a second meeting.

Dower also proposed that a circular letter should be sent to all interested bodies throughout the country suggesting that each should forward in to the Standing Committee a demand for the creation of National Parks in the form of a Resolution from its executive body. When sufficient of these resolutions had been received they were to be sent on to the Ministry. This suggestion (3) was agreed.

(1) Ibid.
(2) Ibid.
(3) Minutes of meeting, with CPRE.
The letter to the Ministry was dispatched on 28th April 1937 and Hudson replied two weeks later repeating his original claims and declining a further meeting. Again the Sub-Committee felt that his reply was unsatisfactory and so at its meeting on 18th June it agreed to draft a suitable riposte. At the same meeting Dower reported that a copy of a circular had been posted to over 1,000 separate organisations.

In the meantime officials at the Ministry of Health had examined the Standing Committee's criticisms and had pointed out to Hudson that they were partly justified. In an undated minute of some length it was explained that since 1932 the government's answer had always been that the preservation of the open countryside could be ensured under the Planning Act, but that no financial contribution could be made. It went on to argue that this cloak for inactivity was becoming rather threadbare. "The course of events has led to the conclusion that the government will be exposed to serious criticism and discredit if a purely negative reply continues to be given to the large body of opinion in favour of definite action for the preservation of the countryside. The National Parks appear to provide the best opportunity of making a gesture to indicate the reality of the government's interest in the problem..." Therefore it was proposed that the Chancellor should be prevailed upon to make limited grants to specific bodies for organising a scheme for National Parks, conditional upon equal contributions coming...

(1) Correspondence in Departmental file HLG/52/716.
(2) Minutes of meeting, with CPRE. See also question asked by Geoffrey Mander in House of Commons 4th November 1937. (328 HC Deb. 5s 1123-4) concerning number of resolutions received by Ministry.
(3) Undated minute to Parliamentary Secretary, Departmental file HLG/52/716.
from voluntary sources. The choice of areas was to be cleared with both the Ministry and the local authorities concerned.

Four further stipulations were made - that administrative costs must be kept to a minimum, that the purchase of land was to be avoided (it was suggested that the National Trust should take over any gifts), that any access agreements negotiated must not entail compensation and finally that no other government department was to prejudice National Park areas before the scheme had been set in motion. A figure of between £100,000 and £150,000 spread over the succeeding three years was suggested.

The Standing Committee's deputation to the Ministry of Health was not the only ministerial consultation which took place in 1937. A month later, on 14th April, members of the parliamentary Amenities Group attended at the Treasury for informal talks with the Chancellor of the Exchequer. At this meeting the Chancellor said that he was prepared to consider proposals on helping local authorities "to make full use of their powers," but although a country-lover he felt that there was little scope for money to be forthcoming.

4. SUBSEQUENT ACTIVITIES OF THE STANDING COMMITTEE ON NATIONAL PARKS.

By late 1937, at the seventh meeting of the Sub-Committee on 3rd December, Norman Birkett was able to make a confidential report on the informal meetings he had been having with both the Minister of Health and the Chancellor of the Exchequer on the possibilities of making a sum of money available for a National Park.

(1) Ibid.
Park body of some sort. "No definite proposal was forthcoming, but the atmosphere had not been unsympathetic", and he considered it worthwhile continuing these approaches. At a further meeting that month on the 22nd it was reported that Sir John Withers (Chairman of the parliamentary Amenities Group) wanted to take another delegation as large as he could muster – he hoped for 300 or more – to the Chancellor to see if he had relented on his earlier refusal and would loosen his grip on the pursestrings.

At the Standing Committee on 12th April 1933 Birkett mentioned that there was a likelihood of the Amenities Group forming a National Park section, and the Preparatory Sub-Committee met on the 25th April to look into this more fully. The main question was whether it would be more beneficial to have this section as a separate body rather than as an adjunct of the Amenities Group. It was agreed that the Joint Secretaries of the Standing Committee together with Dower should discuss the alternatives with Mr. Bossom and Sir John Withers. It was felt that an approach should be made in the first instance to the members of both Houses in the form of a letter, accompanied by the statement of policy and the general pamphlet which had been drawn up for the publicity campaign. The suggestion was that for maximum effect the letter should be signed by the officers of the Amenities Group, plus five Members of the Commons and five Peers. It was to ask each recipient to express the degree of his interest in the principle of National Parks, and if he was

(1) Minutes of meeting, with CPRE. Also see remarks made at Camping Exhibition by Mr. Lindsay, Parliamentary Secretary to Ministry of Education, reported in Manchester Guardian 19th May 1938.
(4) See pages 153 to 157 below.
willing to attend a conference on the subject. The nature of the replies received would decide what course of action was to be followed. At the next meeting of the full Standing Committee on 21st December 1938 Birkett reported that 130 Members had replied to the letter sent to them and had expressed a willingness to attend a conference at the House of Commons. It was decided this should be arranged in the style of a forum, with leading members of the Standing Committee attending to answer the questions raised by the MPs and to stimulate discussion through the answers given. It was also considered an opportune moment to put their collective experience to good use and "sound them out" on whether they felt that it was advisable to lay a National Parks Bill in front of parliament.

As events happened this forum never took place, but instead a similar gathering was held at the House of Lords on 1st March 1939, arranged through the good offices of the Lords Samuel and Addison (formerly Dr. Christopher Addison) and the Earl of Crawford. This meeting stemmed from the interest which Lord Samuel had expressed earlier in the work of the Standing Committee. After consulting with the Preparatory Sub-Committee he had, in January 1939, agreed to arrange for representatives of the Standing Committee to meet interested Peers for an exchange of views. Sir Lawrence Chubb, Colonel Buxton and messrs Dower, Lloyd and Arkell were chosen to represent the Committee and as a result of the meeting three distinct proposals

(3) See pages 154 to 157 below.
were formulated. One was that a debate on the subject should be arranged at the first convenient moment; also that the Lords Samuel and Addison and the Earl of Crawford were to meet the Preparatory Sub-Committee to ascertain what their minimum demands were likely to be, and following this the Ministry of Health should be asked to receive another deputation. As opinion was divided on the advisability of putting forward a draft Bill no firm decision was made on this.

The Preparatory Sub-Committee considered the results of this meeting on 20th March and decided on reflection that to arrange a debate in either House as things stood "would be dangerous", and that one should not be sought before the following June at the earliest. The reasons for this were not clearly stated in the minutes of the meeting, but the assumption appeared to have been that a formal debate should follow rather than precede the working out of detailed proposals, including the drafting of a Bill, and the securing of some definite assurances on National Parks from the government ministers concerned. Otherwise presumably the opportunity would exist for the government to give some vague undertakings which would effectively stifle positive developments for some time to come. It was felt that parliamentary debates were difficult to initiate at the best of times so at least they should be held when the maximum benefit was likely to accrue.

As it happened other more serious event soon occurred which removed the National Park question still further from the consciousness of both parliament and the government, but between April and September work proceeded apace on the preparation of the draft Bill.

(1) CPRE Monthly Reports Vol. 13 No. 2 March 1939 p.27.
(2) Minutes of meeting, with CPRE.
5. THE PUBLICITY CAMPAIGN LAUNCHED BY THE STANDING COMMITTEE.

The first suggestion for a publicity campaign was made at the Preparatory Sub-Committee's meeting on 3rd December 1937, and further consideration was given to this at its next meeting on 22nd December. The idea was for a carefully-orchestrated campaign to be mounted making use of print, film, radio and television.

At the next meeting on 20th January 1938 the drafting of a suitable propaganda pamphlet was again left with John Dower, and on 16th February this, together with other material needed by the Amenities Group for their meeting with the Chancellor, was discussed. A week later at the meeting of the full Committee on 24th February it was agreed that each member of the delegation should receive both a personal letter from the Committee, a brief statement of policy on National Parks running to about 1,000 words and the longer pamphlet (i.e. Dower's) of about 3,000 words which dealt more fully with the history of the movement and answered many of the questions likely to be raised.

In February the Trustees of the Carnegie Foundation in the United Kingdom made a grant of £600 for one year to help defray publicity expenses, while later that year, at the meeting of the Standing Committee on the 21st December, it was reported that an approach had been made to the National Fitness Council for funds, but without avail.

(1) Minutes of meeting, with CPRE.
(3) Also lectures given by knowledgeable members of the Committee. Most of these were of an occasional nature, but John Dower undertook to give lectures to any interested bodies if they wished to invite him during 1937/1938.
(7) Reported at Standing Committee meeting on 24th February 1938.
An additional success of the campaign seemed to be the calling forth of a measure of support amongst academics and influential public figures. The interest which Lord Samuel had shown has already been mentioned. Amongst others were the historian HAL Fisher, who had convened a meeting at New College Oxford in December 1937 on his own initiative to summon up support for National Parks, Lord Horder, the eminent physician, who was invited to join the Standing Committee in December 1938 after he had expressed his interest, and Lord Birkenhead, who had agreed to act as Chairman at the official launching of the publicity film.

Unfortunately by the next Standing Committee meeting on 12th April 1938 the political situation had deteriorated, and it was agreed reluctantly that in the light of international preoccupations the circulation of the pamphlet should be delayed. Nevertheless it was felt that both Sir Kingsley Wood (the Minister of Health) and Sir John Simon (the Chancellor) should be sent copies. It was also felt that there was a need for closer co-ordination between the Public Relations Committee of the CPRE and the Standing Committee now that plans for the publicity campaign were well advanced, and it was agreed that the Public Relations and the Preparatory Sub-Committees should work together on the campaign.

This had its postponed launching at a public meeting chaired by Mr. Birkett at the Niblett Hall, Temple Bar, on June 30th 1938.

(1) Minutes of meeting, with CPRS. It is interesting in this connection to note that both Professor Fisher (3rd July 1929) and Lord Horder (5th July 1929) had written to the Times supporting Lord Bledisloe's suggestion for National Parks, although neither appeared to take any further interest until now.


(3) For a report of meeting, see The Times 1st July 1938.
It was announced that the case for the creation of National Parks was to be put in front of the public by means of the pamphlet drawn up by John Dower entitled *The case for National Parks in Great Britain* and costing 2d. each, and a travelling photographic exhibition depicting the scenic beauties in the suggested areas. A television talk on the need for National Parks had already been given by Mr. WDH McCullough on the 27th June. Plans for making a 16 mm. colour film were also announced, and this in fact was completed by the end of the year and shown at a press luncheon presided over by Lord Birkenhead in February 1939. After its unveiling it then went on general release round the major commercial cinema circuits. By the Standing Committee meeting on 21st December 40,000 copies of the pamphlet had been sent out to interested organisations and the photographic exhibition had been mounted at half a dozen different gatherings.

The Niblott Hall meeting was the first time since its inception that the Standing Committee had made any real effort to publicise its activities and naturally this development caused some press comment. *The Times* published an account of the meeting and also a leading article which expressed broad sympathy with the Committee's aims but which felt that it tended to exaggerate the difficulties in the way of public enjoyment of the open countryside. "There are few real obstacles to progress" it insisted, and continued that "the good will of landowners is seldom lacking". *The Manchester Guardian* commented on the

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(1) BBC Television Service.
(2) This film was entitled "England", so presumably did not embrace either Wales or Scotland in its material. (Enquiries at the offices of the CPRE have failed to locate any copy of it.)
(3) Minutes of meeting, with CPRE.
(4) *The Times* 1st July 1933.
Committee in a leader later the same month and wholeheartedly supported its work and praised its tenacity. "Unless constant pressure is maintained it (i.e. the idea of Parks as put forward in the 1931 Report) does not seem likely to emerge". The only other national daily paper which commented in a leader was the News Chronicle, which proclaimed of the campaign "All power to it! The National Park movement is one of the finest ways of preserving the beauty of Britain and promoting the health of the people. It is lamentable that we should be so far behind other countries in such amenities". The Field magazine also published an editorial which, allowing for several caveats, was surprisingly favourable to the general idea. "Such a movement deserves the serious consideration of all British citizens and in particular of officials of the Ministry of Health and of Members of Parliament". It went even further in praising the rambling movement as beneficial - "It seems to The Field to be very laudable indeed that young men and women of humble origin and small means should be prepared to trudge the countryside in pursuit of fresh air and sunshine and the pursuit of happiness."

The same journal devoted further space to the question in November of the same year when Barry Vesey-Fitzgerald wrote of National Parks as "an urban problem which must be solved by countrymen". Again the tenor of his argument was encouraging to the supporters of access. "I hear a good many objections from time to time... against allowing the public access to land.

(1) Manchester Guardian 27th July 1938. The same paper also published a shorter leader on 1st July 1938.
(2) News Chronicle 1st July 1938.
(3) National Parks in Great Britain (editorial) The Field 9th July 1938.
And I know that the public, when it has access — or forces
its own access — to land, does do a certain amount of harm,
I am not so sure that the same harm would be done if the land
belonged to the public”. He concluded that "despite objections,
despite difficulties, I remain a strong advocate of such parks.
I know the inestimable advantages the countryside possesses,
and can convey to those who have the ability and the inclination
to sojourn therein... The need is urgent, for the attack upon
the land is incessant, and inaction is perhaps the dominant
trait in the English character."

6. PROPOSALS FOR A NATIONAL PARKS BILL.

Earlier reference has been made to the possibility of
drafting a Bill which could then be put forward at a convenient
time as a Private Member’s measure. From the outset the
difficulties of preparing such a complex piece of legislation
successfully was appreciated, and for this reason the Standing
Committee had rather dragged its feet. The matter was first
raised at the Preparatory Sub-Committee meeting on 25th April
1938, but it was not until the meeting of the same Committee
on 24th January 1939 that it was decided to form a small
"ad hoc" body to sketch in the broad shape of the measure.
The members of this group were John Dower, George Mitchell,
Dr. Herbert Smith, the Reverend Symonds and Colonel Buxton.
Lord Samuel was also asked if he would join them but he
declined because of pressure of work, although he agreed to
vet the draft when it had been prepared. It was arranged that
the members should meet with an experienced parliamentary

(1) Ibid. p. 1123.
(2) Minutes of meeting, with CPRE.
(3) ibid. cit.
(4) Ibid.
draughtsman for general discussion, and Birkett had promised earlier to secure professional advice and some idea of the costs involved, which information he was to pass on to the Bill Sub-Committee.

At the meeting of the full Standing Committee on 18th April Dower reported of the progress being made with the Bill. He suggested that because of the complexity of the subject, which would make it both contentious and time-consuming in parliament if presented as one compendious measure, it would be far better to adopt a two-stage approach. First of all a short Bill would be enacted to set up a statutory National Park body whose terms of reference would be to draw up schemes for individual Parks. Such a body would need only a small number of officials based at a central point as its work would largely be a "command post" exercise. Also this would mean its expenses could be kept to a minimum. Once a scheme for a specific National Park had been prepared then this would be submitted for parliamentary approval as a Local Act. The precise form of the management of the individual Parks was to be left to the National Authority to decide.

It appears that there could be several advantages in this. To begin with it would shorten the likely delay in establishing at least the first National Park. Dower envisaged perhaps two or three years before the General Act became law, while there would be no limit to how long the separate Local Acts would take to pass. Nevertheless the difficulties facing one area such as the Peak District should not be allowed to obstruct the creation of a National Park in, say, the Lakes or Snowdonia

(1) Minutes of meeting, with CPRE.
where the problem might prove far more tractable. This points out another advantage of Dower's line of reasoning - that the establishment of National Parks, once the initial Act had been passed, would become "regionalised", which might help to divide the opposition in parliament while one could count on a homogenous body of support from sufficient MPs to overcome the opponents of each separate measure. He listed precedents for this arrangement in the form of the Electricity Commission and the Livestock Commission, and said that the Lords Addison and Samuel and the Earl of Crawford had all agreed from their own parliamentary experience that such a scheme was practical.

After discussion the Committee decided, in light of what had been said, that a memorandum should be issued inviting its constituent bodies to comment upon the desirable form that any National Park legislation should take. It was suggested by the Committee that all the proposals of the Addison Report should be demanded, that the central Authority should not be a mere advisory body and that the immediate aim was to draft the measure which would set up this arrangement. In fact Dower himself had prepared the first draft of just such a Bill by February 1939.

A copy of this draft is attached as an Appendix, but it is of interest here, particularly in relation to comments made in the final section of Chapter 6, to examine some of the provisions of the measure. It followed closely the views Dower had expressed on the means and method of establishing National Parks, rather than designating the precise form of each one - he stated at the beginning "this draft.... attempts only to

(1) ibid.
(2) In a letter to George Mitchell of the Ramblers' Association dated 13th February 1939 Dower refers to "the enclosed draft, which I have just finished".
provide for the essential objects of a comprehensive National Park scheme, and to set out — though without any claim of completeness — the more obviously necessary administrative arrangements, safeguards and provisos”. It then proceeded to specify arrangements to cover the form of the central administration, planning and compensation arrangements, provision of foot-paths and bridle-ways, the establishment of a wide degree of public access to open countryside, and finally arrangements for the preservation of natural life.

Dower distinguished four distinct sorts of areas that would come under the scope of the Bill. These were National Parks, National Preservation Areas, National Nature Sanctuaries, and National Park Access Areas, this latter sort to fall within the boundaries of a Park. The central administration for all four areas was to be in the form of a National Park Commission set up by the Privy Council, and with a maximum of nine members whose salaries were not to come to more than £5,000 a year. This body was to establish and then liaise with a National Park Advisory Council of 23 members, of whom nine were to be appointed directly by the Commission and the remainder from a number of government departments, statutory bodies and voluntary organisations. The National Park Commission was to have an initial grant of £250,000 earmarked for the payment of grants and compensation (not for administration), which might be supplemented as required. In addition it would have powers to borrow up to a further £1 million upon Treasury approval.

(1) Page 1 of draft.
(2) Para. 3 (1).
(3) Paras, 1 (1 to 4) and 2 (1 to 4).
As far as planning under the 1932 Act was concerned, the Commission was to be the executive planning authority for both National Parks, and National Preservation Areas, either with or without reaching agreement with the relevant local authorities. Where plans already existed, the Commission was to have powers to vary them as it saw fit. More specifically, it had to approve all development scheduled for the areas under its control, whether or not such development was subject to consent under the 1932 Act. This was clearly aimed at the government departments and statutory bodies, and a further provision made the regulation of their activities more precise still.

As far as access was concerned, within an Access Area "the general public shall have the right of access to all parts thereof as if it were a common in an urban district (i.e. under Section 193 of the 1925 Law of Property Act), subject only to such regulations as the Commission, after consultation... shall impose". The only grounds for restriction was to be the harm likely to be caused to the shooting of game, and even then very stringent limits were placed on the exact number of days on which access could be prevented. The Commission had powers to pay compensation in the normal way for damage caused by access, and where such damage was likely to be persistent, they had the powers to buy such land. It was also to have the power to establish requisite bye-laws for the protection of any land within designated areas, subject to the approval of the Lord President of the Council.

(1) Para. 4 (1).
(2) Para. 4 (2).
(3) Para. 5 (1).
(4) Para. 5 (4).
(5) Para. 8 (1).
(6) Para. 8 (1) These were: "on not more than 16 days in any year between the 12th August and the 10th December inclusive, not more than three of such days being in any one week."
(7) Para. 8 (3 & 4).
(8) Para. 10 (1).
It is interesting to note that had this measure been implemented, its provisions would have been far more radical than anything which might have emerged from the Addison Committee’s recommendations. The Commission would have been much stronger in its planning powers, local authorities relegated to a consultative position and government departments included in planning control. Financial provision was much more generous, and public access would have been generally permitted unless exceptional circumstances could be proved, and even then limitations were to be the least possible. A further analysis of this proposed measure is made later, but it is relevant here, in light of what has already been written, to ruminate on the amount of opposition both within and outside parliament that was likely to have greeted such a Bill.
CHAPTER SIX

AN ASSESSMENT OF THE CAMPAIGN FOR NATIONAL PARKS

1919-1939.

In reviewing the campaign for National Parks as it stood at the outbreak of the Second World War it is no mere antithesis to sum it up as one in which although little had been achieved yet some encouraging progress had been made. Against the absence of any legislation and the intractable problems of finance and planning one can set at least the appearance of the Addison Report itself. Similarly the fact that vested interests such as the shooting rights and water undertakings were still firmly entrenched could be contrasted with the growth of strong national and local pressure groups, or the lingering official inertia with the support given by many influential people and the beginning that had been made on arousing public opinion. Nevertheless to those most closely involved the road had proved long and hard, with no turning yet in sight.

Before embarking upon a more detailed critique it must be stressed that from all the evidence gathered and from the recollections of those still alive who were involved, the establishment of National Parks was a minority interest, albeit one which was public-spirited and well-placed. This might appear false bearing in mind the thousands of walkers who flocked out from cities such as Manchester and Sheffield each

(1) Tom Stephenson, when pressed on this point, stated that in his opinion "only a few thousand people" ever had more than a passing interest in the principle and detail of National Parks.
weekend, for surely amongst such outdoor folk were the foot soldiers of the army led by Addison, Abercrombie and Birkett? Their answer was quite simply they were not. The true ramblers' cause, the one which excited them and for which they demanded national action, was "access to mountains". For this they would assemble in thousands at rallies, trespass "en masse", subscribe money and badger their MPs. There was no such grass-roots support for the National Park cause. It was predominantly an enthusiasm of the professional middle classes, and was looked upon as such by the ordinary weekend rambler.

Perhaps another reason was that "access to mountains" was a simpler principle for which to fight. It was much more immediate to the walkers' needs and much easier to appreciate. He merely wanted to walk, as a law-abiding citizen, over uncultivated land. It was not necessary for the public to own it, or for it to be under a comprehensive planning scheme, or even for sign-posts and cafes to be scattered across it. The rambler merely wished to stride forth without having to beg

(1) Even this enthusiasm was waning somewhat by the late thirties. The high point of the Winnats Pass demonstrations, for example, was several years earlier.

(2) Of course, their leaders felt differently, and men such as George Mitchell and Edwin Royce took a leading part in the work of the Standing Committee. To the ordinary rambler however the existence of National Parks seemed merely a threat to his enjoyment by allowing more of the general public to invade his sanctuaries. He despised the "charabancers" more than the country-dweller did, who at least stood to earn a few shillings from them.
permits from patronising landowners or cut-face bullying gamekeepers. The intricacies of establishing and managing National Parks were a thing apart.

However the fact that it was a minority cause cannot explain completely its lack of success. There were more specific reasons, the most obvious being the attitude of successive governments. Most of the period under consideration was dominated by Conservative or "National" administrations; the Labour Party had formed two short-lived minority governments, while the last years of Liberal rule were at a time too early to have had much influence upon this particular issue. Whether the path would have been any smoother under these latter is an interesting question. Certainly the evidence is that the Labour government of 1929-31, apart from setting up the Addison Committee, was prepared to act on some of its recommendations during the months before the crisis in the autumn of 1931. Therefore it could be argued that had it not been for this National Parks would have been set up nearly twenty years earlier than actually happened. With the ensuing "National" and Conservative governments it appeared that there was no desire to do anything comparable.

One might reason that as the Conservatives represented the landed interests in particular they were unwilling to risk offending this support by making the open countryside more accessible, but I doubt whether it can be presented in such

(1) Although I believe it is a little too fanciful to blame political failure simply upon extraneous events it is quite interesting how, whenever progress seemed likely, some national or international crisis intervened.
ingenious terms. Although it is true that as a party they had less to gain and more to lose in terms of support if they had encouraged the development of National Parks there were other more immediate reasons for government inertia. I think three may be isolated.

The first, and most crucial, was the relationship between National Parks and planning policy in general. It should be remembered that the Addison Committee reported at a time when the whole planning procedure was being altered. The 1932 Act was intended to provide a more comprehensive framework than did the 1925 one, amongst other things to enable planning authorities to safeguard amenities better than they had been able before. However the provisions of the new Act were slow at coming into effect and it was not until the mid-1930s that anything more than a trickle of Planning Schemes arrived at the Ministry of Health for approval. The government had no desire to damage the credibility of the new measure wantonly by abstracting large areas from the control of the Regional Planning bodies and giving them over to some form of National Park Authority. The superimposing of what in effect would have been a "national" strategy on the pattern of local authority responsibility was unlikely to happen until such time as these bodies were shown to be incapable of effective action. Even more "vital" aspects such as roads and water supplies did not warrant this treatment it was argued, so why should the provision of access and countryside amenities?

(1) It might also be argued that the concept of countrywide planning was still a very new one and that it was therefore difficult for the government to be as certain of its defects as the National Park lobby appeared to be, at such an early stage.

(2) Possibly amounting to 10% of the total area of England and Wales.

(3) Such a policy was just what many experts did advocate. See in particular the writings of Professor Abercrombie.

(4) This has been indicated at some length when considering the agitation by the Standing Committee.
However the evidence available indicates that ministerial advisers eventually began to feel uneasy with this state of affairs, and that the arguments of the Standing Committee were having some influence. One argument was that simply because the provision of National Parks was the sort of problem local authorities were likely to rank last in their planning priorities, a good case existed for the central government making exceptional arrangements. It could also be justified on the grounds of the heavy burden likely to be thrown on local finances, the lack of expertise and even possibly the undue influence of local interests. Another defect of giving planning responsibility to local authorities (and one which the National Park lobby grew increasingly aware of) was their lack of control over the activities of government departments and statutory bodies such as the Forestry Commission and the water undertakings. Nevertheless up until 1936 the official view of the Ministry of Health remained one which entrusted the setting up of National Parks to Regional Planning Committees, although it was clear that there was no possibility of establishing them successfully on the basis of the Addison proposals as long as they remained embedded in this local framework. So the fate

(1) There was also the point that not one of the suggested areas fell within the jurisdiction of a single Regional Planning Committee.

(2) It is surprising to consider that under the 1932 Act County Councils were not regarded as statutory planning bodies. This meant that executive powers outside urban areas remained with authorities no bigger than Rural District Councils. (See the paper presented by Mr. HW Heck at the TPI Summer School in 1937, entitled Administration of town and country planning on a County basis, proceedings of School, pp. 34-36).
of National Parks was entangled with the workings of an earlier
Planning Act, rather as it was in later years.

A second reason for government inactivity was the lack of
any obvious economic benefit. Not even their most passionate
supporters pretended that the nation would gain such financial
advantage from a system of National Parks—indeed quite the
reverse, for any scheme was likely to cost between £10,000 and
£100,000 a year at least on the calculations of the Addison
Committee, quite apart from any compensation which might have
to be paid. In the pre-Keynesian orthodoxy prevailing, which
demanded retrenchment even in the most essential public services,
it was difficult to justify such generosity towards something
less exigent. To its credit the outgoing administration in
1931 seemed prepared to find the barest sum called for in the
Committee’s Report but during the years immediately following,
at least until the economy showed signs of revival after 1936,
there seemed no possibility of the necessary finance being
forthcoming. Of course this made it even more ludicrous to
expect local authorities, often in areas with low rate incomes,
to find the money which the central government could not provide:
an inconsistency which did not seem apparent to successive

(1) In discussing the 1949 Act with the Minister responsible
for its passage, Mr. (later Lord) Lewis Silkin, the
question was posed as to how he had persuaded the Cabinet,
amongst its other preoccupations, to give parliamentary
time for it. Silkin’s answer was that he had to promise
two things: one was that it would be as uncontroversial as
possible, and secondly that it was to fit into the planning
framework established by the 1947 Town and Country
Planning Act.

(2) In terms of present-day prices this would be equivalent to
about £50,000 to £½ million.
Ministers of Health or Chancellors. To argue that the establishment of National Parks should not depend on such mundane considerations but on other grounds like the benefit to health and amenity would be rather easier to-day when both the public and the government appear to be more conscious of the need to enhance the quality of life. In the 1930s opinion was not stirred so easily.

The third reason for failure was the absence of any large body of opinion within the country favourable to the concept of National Parks. This is not to belittle the efforts of its supporters, to criticise their organisation and tenacity, or to under-rate their power to win friends and influence people. One might also argue upon the finer point as to whether an interest group has to be large in order to achieve results. Nevertheless it was possible that in the event of there being a strong ground-swell of public support the government might eventually have come to terms with it. This absence of support repeated itself in parliament. Few MPs or Peers appeared to have any strong sympathy for the idea, although it must be admitted also that equally few appeared to be hostile either. There were some notable exceptions such as Geoffrey Mander, Sir John Withers and Lord Bledisloe, but their very number tended to prove the general rule. It is particularly interesting to note that once he had completed his appointed task the Chairman of the National Park Committee himself appeared to

(1) Indeed, people even then did advance such arguments. There was a demand that National Parks should be part of the National Fitness Campaign launched in 1937, for example, and Dr. Vaughan Cornish constantly wrote and lectured on the spiritual and aesthetic values of the wilderness.

(2) The attitude of the government to the 1939 Access to Mountains Bill may be taken as justification for this comment. See page 300 below.
take little further interest in the matter, according to the evidence available. He was subsequently ennobled and sat in the House of Lords as Lord (later Viscount) Addison but it was not until 1937, when he lent his assistance to the Standing Committee in its efforts to secure parliamentary support, that his name re-appears in the records.

Apart from these three difficulties I think it is important to emphasise two other points. One was the absence of any separate "planning" ministry during this period. As National Parks were closely linked to the working of the planning mechanism and as this in turn was a responsibility of the Ministry of Health so one finds this Ministry having the task of trying to persuade Planning Committees to establish them. The same department had other concerns which in some cases were likely to conflict with this — the provision of clean water supplies, for example — and in any event were so numerous as to put the provision of National Parks in a position of low priority. It is quite likely that if a Planning Ministry had been set up in the 1920s rather than twenty years later, in the first place legislative provisions would have been more stringent and in the second place such provisions would have been administered more diligently. Truly "national" planning could have been established, and with it a system of truly National Parks.

The second point is that in terms of being acceptable to both the government and to the public the Addison Committee's Report appeared too early. Four years later in 1935 it might have had a greater impact. The sudden mass interest in rambling (1) sprang up in the years after 1926 and died away somewhat from

(1) The year of the first Winnats Pass demonstration.
about 1939. This, together with the founding of several major amenity bodies, seemed to prove that Ramsay MacDonald's decision to set up the Committee was at the same time bold and opportune. Reporting two years later at the height of this enthusiasm there seemed every likelihood of success but sadly nothing happened, partly for reasons quite separate from the onset of the economic crisis.

The appointment of the Committee being a bold initiative, it was equally a premature one. Apart from one particular area (the Forest of Dean) no local bodies existed in September 1920 to whom it could turn for evidence, although the larger organisations such as the CPRE and the National Trust found themselves in a slightly better position. A few months of fevered activity enabled most likely areas to present a case of some sort, but it appears that setting up the Addison Committee so quickly after three months of agitation in mid-1929 caught many National Park supporters unprepared. It has been shown that in general terms both parliament and the country lagged behind the convictions of the small band of enthusiasts, and in 1931 this was particularly the case. If the ground work done by individuals such as Williams-Ellis, Abercrombie and Bledisloe, by national bodies such as the Standing Committee and local ones such as the Friends of the Lake District had preceded the deliberations of the Committee and if the Report itself had been able to take into account the limitations of the 1932 Planning Act, then a completely different situation might have greeted its recommendations. The fact that the rambling "craze" was

(1) Himself a keen walker, incidentally.
dying out at that same time I feel has little bearing on this for, as already indicated, there was little contact between the generality of ramblers on the one hand and the National Park campaign on the other. Moreover measures such as the Rights of way Act of 1932 and more general "amenity" legislation such as the Restriction of Ribbon Development Act of 1935 and the National Trust Act of 1937 were helping to foster a public opinion more ready perhaps to accept the need to protect the environment. Financial provision also might have been easier to come by once the economy had passed through the trough of the Depression.

One important disservice which the Report rendered in my opinion was that it cribbed subsequent discussion on the issue and persuaded people against thinking the problems out afresh.

This has been shown to be particularly true in the case of the Standing Committee, but others also continued to demand the  

(1) Addison recommendations without seeming to appreciate that the flux of time and changing circumstances might have vitiated many of them, and even perhaps that they had not been right in the first place. Two contrasting views might be taken of this assertion. On the one hand it could be argued that as the Committee had issued its Report and as succeeding governments had given it notional acceptance, then it was expedient to pursue its recommendations, for to suggest radical changes would be foolhardy and a pretext for further procrastination. Against this it could be claimed that as the government clearly

(1) See, for example, Mander's speech in the Supply Debate in June 1937. (324 HC Deb. 5s 1706-7).
(2) Some radical critic had certainly considered that the Committee's recommendations were over-cautious and deferred excessively to "vested interests".
did not intend to put the Committee's findings into effect then one was necessarily obliged to make fresh proposals, although Addison might nevertheless be disinterred at a later stage if the government changed its attitude.

Looked at in another light it can be said that the Report helped to keep thinking on National Parks on a reasonably straight and narrow path in the years following its appearance. Its findings acted in the manner of a lodestone which focussed argument, and without this it was probable that a number of hobby horses would have been ridden hard. As it was protagonists such as Sir Lawrence Chubb and Clough Williams-Ellis were not lacking in imaginative suggestions as to how National Parks might be secured outside the ways prescribed by Addison.

Up to this point an attempt has been made to assess the course of event and because these culminated in no signal achievement it has perhaps been over-critical in tone. However I feel that it is perfectly in order to ask how it might have been, and suggest ways in which National Parks could have been established by the time war broke out. Ignoring variations on a theme, there existed four principal methods of setting them up. The first two, either through the establishment of a National Park Authority as recommended by the Addison Committee or through Regional Planning Committees supervised by the Ministry of Health and paid for by a combination of central and local finance, have already been considered at some length.

A third method could have made use of voluntary bodies such as the National Trust or the Council for the Preservation of Rural England acting either separately or in concert and given official encouragement in the form of legislation and financial grants or loans. This method I think would have been neither advisable or successful. Any such body, however dedicated would be open to charges of narrowness and amateurism at best and partiality and sectionalism at worst. A combination of
bodies could fall victim to internal dissension that would prevent them dealing effectively with local authorities and government departments. In particular it would be difficult for them to be fitted into the existing planning framework. Would they for instance be granted full planning control, or be subservient to the Regional Committees in their areas? The first arrangement would constitute a precedent of alarming boldness while the second would turn them into well-intentioned non-entities. There would also be problems of securing adequate finance. Presumably if the government willed the end by establishing such a body through a measure similar to the National Trust Act, it must also will the means by guaranteeing some minimum income over a number of years, but it is difficult to imagine this being more than any official body would receive. There might even be temptation for the Exchequer to be less generous because voluntary fund-raising activities could be taken into account, although these yielded comparatively small sums. Finally there was a more fundamental objection to voluntary bodies undertaking to run National Parks. It was important that government policy should be administered by some sort of organisation subject on major points to the scrutiny of parliament and answerable through a parliamentary spokesman. It would be invidious to burden dedicated amateurs with such a contentious policy.

A fourth possible method could have been through the establishment of a statutory autonomous body similar to the Forestry Commission. The most typical feature of the different National Park areas suggested was that they comprised

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(1) See Sir Lawrence Chubb's remarks on this matter to the Addison Committee, page 49 above. In its Report, however, the Committee explicitly stated that "well conceived schemes for preserving the amenities should attract considerable offers of assistance from private sources" (Cmd. 3851 para. 68).
uncultivated uplands of poor fertility and scattered populations. The exceptions to this general rule were the Broadlands in Norfolk, the Cornish and Pembroke coastal fringes, and possibly the downlands of Southern England. Apart from these the areas considered by the Addison Committee were either forest and heathland such as Cannock Chase, the Forest of Dean and the New Forest, or else mountain and moorland regions mostly lying north of a line from the Severn to the Trent. This distribution is important because it included parts of England and Wales of little agricultural importance where land could therefore be purchased at a reasonable cost.

The Forestry Commission had established the precedent of a government agency being set up to buy and manage such areas for both local and national benefit, and it appears reasonable to suggest an extension of this policy—to reconstitute such a body as this to enable it to assume much wider responsibilities. These would include planning the economic and recreational development of large upland areas on a comprehensive and co-ordinated basis, and in general trying to improve the region for its inhabitants and the visiting public. The obvious criticism of such a plan would be that it amounted to wholesale acquisition of private property, albeit at market value, much of it consisting of large estates. The fact that between 1919 and 1939 the Forestry Commission itself had acquired over one million acres, and not all in such marginal upland areas, seems to indicate that this problem was more apparent than real.

Indeed, in the economic conditions prevailing it might have proved distinctly attractive to some landowners, whose rent

(1) To be precise, its holdings on 30th September 1939 were 1,144,000 acres, of which 370,000 were considered unplantable. (See Post-War Forestry Policy Cmd. 6447 1943.)
incomes were nugatory and who yet had the responsibility of maintaining their property.

Apart from this difficulty there would also be the need to reconcile such extensive holdings with the powers of the local authorities. Quite simply the Commission should replace these bodies as far as the planning function was concerned, while in other respects its control would be little different from that already exercised by the Forestry Commission. The exclusion of populated enclaves would be inevitable if for no other reason than on the grounds of cost, and this would mean that industrial and housing development in these places would be beyond the Commission's control. Nevertheless in the remainder of the areas a degree of authority could be brought to planning that no local council, separately or in partnership, could match. Such an arrangement would balance not merely the recreational use of land but also the development of forestry, water catchment, mining and quarrying, game preserves and even military training areas. Beyond this it could also embrace the control of necessary intrusions such as electricity transmission lines and roads.

The point in all this must be that the Commission should seek to improve the areas it owned, and this should equally apply to amenities and access. The provision of nature reserves, way-marking and overnight accommodation would all be part of its responsibilities. The establishment of the substance of "national parks" in this manner would be a very important part of the Commission's fiat, especially as large areas would be

(1) The only exception to this might have been game areas, which had a high rent value but cost little to maintain.
unsuitable for anything other than public access. One of the greatest advantages accruing from the establishment of such a Commission would be the provision of finance. Naturally its demands would be much in excess of those of a National Park Authority if viewed merely as a charge on the Exchequer, but it would also have the opportunity to generate a greater return proportionately in the form of income from its holdings. Instead of purchasing easements and paying compensation for loss of value to private landowners the property owned by the Commission would be a source of revenue in the form of farm rents, profits from the sale of timber and payments for water abstraction or shooting rights. Thus the policy of the Commission should be to establish as far as possible the economic viability of the areas it controlled, although it need have no requirement to operate as a profit-making body. As much of its work would be long-term the government might in fact have to find substantial sums over a period of years. Indeed, experience has shown that the cost of improving the economic and social fabric in isolated parts of the country has to be accepted as a chronic burden, and justified on grounds of general well-being.

(1) It was not imperative that any Parks set up had to be distinct, contiguous and clearly defined. Professor Abercrombie had argued for the "zoning" of land use along selected contour lines, see foot-note on page 32 above, and even the rammers' representatives in their evidence to the Addison Committee said that their demands for access could be met by a "string of pearls" arrangement (i.e. smaller open areas linked together by foot-paths and other rights of way.)

(2) Cmd. 6447 mentioned the following figures in relation to the work of the Forestry Commission: it received £9 million between 1929 and 1939, but this totalled £11,160,000 with receipts added.
The final point in favour would be that such a body could perform its appointed tasks much more effectively than any voluntary body, and would avoid the pitfalls of narrowness and amateurism which tended to characterise such organisations. This is quite apart from the argument put forward in the Addison Report that it was essential for a "government" policy to be administered by some kind of statutory body subject to the scrutiny of parliament.

As has been mentioned earlier, such a tentative beginning had already been made by the Forestry Commission in the form of National Forest Parks. Access facilities were being granted or extended in three separate areas under its control, and the need was to add a further depth to this by working over much bigger areas and granting it more extensive powers of planning and development. My feeling is that this could have been achieved more readily than could a distinct system of National Parks for two reasons. One was that an authoritative executive body did already exist with a record of some twenty years of effective and responsible action free from the difficulties of local authority control. The second reason was that a policy which was economically worthwhile at the same time as being enlightened towards both access and preservation was more likely to be acceptable to government thinking.

In fact, these suggestions are not really new ones. In 1937 Professor Stapledon had published a book entitled

(1) One disadvantage would be that there was little justification for extending it over cultivated lowland areas, but in terms of the ten National Parks set up after 1949, all of which were situated in areas of upland or marginal country, such a problem would be hypothetical.
The hill-lands of Britain - development or decay?, in which he argued that any future policy for these areas needed to accept the involvement of the state in its planning and development. He held that the separate over-lapping bodies should be replaced by an all-embracing one which would take over all the various functions and eventually seek to be self-financing by generating wealth from such previously neglected lands. He suggested as a title for this body the Rough and Hill Lands Utilisation Commission. A similar view, if less radical, was put forward in the Report of the Committee set up by the Ministry of Agriculture to enquire into the state of hill farming in England and Wales. This argued for a statutory body to be set up for the control of hill land, which should be owned by the State, in order to improve its productivity and co-ordinate its use.

(1) See Chapter VII in particular.
(2) Ibid., p. 102.
(3) The De La Warr Report, Cmd. 6493, January 1944.
(4) Ibid., paras. 50-54, and 98-107.
PART TWO

THE CAMPAIGN FOR WIDER ACCESS TO THE OPEN COUNTRYSIDE.
Before examining the attempts to secure passage of the Access to Mountains Bill it is necessary to appreciate that these efforts reflected not merely the enthusiasm of a well-placed minority, as was the case in the National Parks campaign, but a wide measure of popular support. It is necessary therefore to describe this support in more explicit terms and assess its influence, before proceeding to the legislation itself. This is done by devoting the first Chapter of Part Two to a general account of the development of rambling in England and Wales between 1919 and 1939 and the second to a more specific account of the campaign for access during the same period. Having thus set the scene it is possible then to examine more fully the progress of the Access Bill and render judgement on the contribution it made towards the achieving of wider public access to the open countryside.
CHAPTER SEVEN

THE DEVELOPMENT OF RAMBLING BETWEEN 1919 AND 1939

1. THE POSITION BEFORE 1919.

It has been pointed out in the First Chapter that prior to 1919 rambling in the open countryside was largely the preserve of a middle class minority composed of academics, undergraduates, members of the professions, civil servants and similar people, together with smaller groups of skilled artisans, members of youth organisations and chapel clubs. Although it was never characterised by a single political or religious attitude many of these walkers were staunch socialists or non-conformists, sometimes both. The best example of this can be discovered in the Sheffield Clarion Rambling Club, established in 1900. It was founded by George HB Ward, and epitomised the stubbornness and vision of such pioneers, with an emphasis on self-improvement and education. Its motto was "a rambler made is a man improved", and a good description of its ethos is given in Byne and Sutton's Book on the High Peak. "These early Clarion ramblers were a tough and determined crowd with strong socialistic views and an unshakeable belief in the rights of man and the freedom of the hills. The gamekeeper who tried to stop a party of them from crossing his master's grouse moor (1) had an unrewarding task."

(In the light of the immense social divisions within Edwardian society such attitudes towards the property of others were vastly more radical than they would be today.)
Ward, who became one of the most redoubtable of the ramblers' leaders, also saw in the Club's activities a microcosm of the wider struggle of the dispossessed against the land-owning classes. This view he publicised in numerous articles, songs and poems in the Clarion handbooks which began to appear annually in 1902 and ceased only in 1964. One stanza from a song printed in the 1920-21 edition illustrates this attitude:

"Dear land of moors, with Hope uncrown'd
Men wait they freedom yet
On craggy brows, beloved, renowned,
Vile trespass boards are set."

Apart from these early socialists there were many of less radical beliefs such as Liberals, Co-operators, "emanipicated" females, followers of William Morris and so on. One of the most interesting groups found amongst these fell-walkers was the "bog-trotting club", a small band whose passion was to perform esoteric feats of speed and endurance across the wildest parts of the High Peak. In contrast to the ramblers there existed a smaller body of rock-climbers, who were at pains to keep themselves apart. This fraternity was composed mostly of university undergraduates and dons and "young bloods" from

(1) For a biography of O.H.B. Ward, see Sheffield Telegraph 5th September 1970.
(2) Clarion handbook 1920-21 p.110. Another song in the same book was entitled The Trespasser's Song (p.112)
(3) Such people included another great figure of the early rambling movement, Edwin Royce. More is said about him in the following chapter.
(4) For accounts of the "bog-trotting" club see Byne & Sutton's book.
(5) See the following comments in a leading article in the Daily Mail in 1924. "Wealthy preservers of game are not the only offenders. Even more deserving of condemnation are the small coteries of climbing folk who seem to fancy that the glories of the innermost recesses of the Lake District and similar areas are their own private possession." (May 13th).
(6) Manchester University was a flourishing climbing centre.
local propertied families, and as such they had comparative freedom of access to otherwise forbidden areas and were antagonistic to any move to secure wider access for the public.

One of the last surviving "bog-trotters" is Fred Heardman of Edale, now a legendary figure and the acknowledged authority on the High Peak. He first began rambling in 1910, and can recall using the early morning excursion train on Sunday from Manchester to Glossop before the war and often being the only walker on it - one small indication of the limited appeal of the moors prior to the 1920s. He pointed out when asked about his early rambling days that those who walked usually got to know each other at least by sight because numbers were so small. It was also possible to become friendly with many of the gamekeepers. On occasions he had stayed in their homes or stood them drinks at the local inn. Permits for walking were usually granted by the landowners if one wished to apply, so Heardman felt that access for the keen walker before the war was not so difficult as others made out. He admitted that the situation changed for the worse after 1919.

One common factor between these separate groups was that their activities centred on the millstone grit region which stretched between Manchester and Sheffield. This is interesting because it indicates that from being a largely metropolitan pastime in the late 1800s, walking and climbing had developed as an interest of people living in the north of England. (This development was reflected in the access campaign between the wars which was fed by strong regional roots. Apart from the metropolis

(1) He is mentioned in The High Peak many times, and appeared in the BBC television programme Battle for Kinder Scout shown in the Look Stranger series on 8th July 1970.
(2) Of course some walkers did not "wish to" - more accurately, they saw no reason why they should have to apply.
its main support came from industrial towns near the Pennines, the Lake District and North Wales. Regions such as the South West, the Midlands and East Anglia featured far less.)

2. **RAMBLING BETWEEN THE WARS - SOME GENERAL OBSERVATIONS**

One must separate from this earlier picture the period between the wars when rambling became a more popular pastime. The years until 1924 showed a steady increase in clubs and walkers, while between 1924 and 1934 there was a tremendous growth of enthusiasm and a dramatic increase in the numbers of both organised and individual ramblers flocking out from the large cities. Within this decade the years from 1929 and 1932 marked a high point which staider people looked upon as a "craze" or "fad". Then from the mid-1930s a decline set in, although walking still remained an important part of the open-air movement along with cycling, camping and youth hostelling.

It is important to understand the nature of this growth in order to relate it to the development of the whole access movement. The first point to make is that it had, as far as the majority of the new walkers were concerned, less conscious political overtones. They looked upon rambling rather as a cheap and easy way of escaping occasionally from the atmosphere of economic hardship and of expanding their horizons. Such changes were deprecated by many for giving the whole rambling

(1) There was however a keenly political minority amongst the new ramblers as will be described in the next Chapter.

(2) Professor Joad’s often-quoted remark that “this generation has replaced beer by rambling as the shortest way out of Manchester” is worth repeating here. (From *A Charter for Ramblers, 1934*) A short but interesting account of the growth of interest in fell-walking in Derbyshire can be found in Byne and Sutton *The High Peak*, pp. 114-117.
movement a bad reputation, and local people complained of the
newcomers' frivolity and lack of understanding of the moors,
as well as making more serious allegations about their anti-
social behaviour. Nevertheless it should not be overlooked that
these new recruits transformed the character of the access
campaign by giving rambling a truly popular appeal for the
first time. A steady rise of interest in access followed the
growth of rambling and was reflected in attendance at mass
rallies and public meetings. By 1933 or so this popularity
had broadened into a more general enthusiasm for the open air.
The numbers of people camping, cycling and canoeing grew and
one body which served this wider interest was the Youth Hostels
Association, founded in 1929 by a small group of enthusiasts
led by Charles Trevelyan and which had since gone from strength
to strength.

(a) The National Physical Training Schemes.

In the wider context of the open-air movement a brief
reference should be made to this government initiative, commonly
referred to as the "National Fitness Scheme". It was launched
on 4th February 1937 with the aim of improving the nation's
health and was financed by an initial lump sum of £2 million
over the first two years and thereafter an annual grant of
£150,000. The aim of the Scheme was to encourage physical
recreation by helping individual organisations to expand their
activities, and as far as the open-air movement was concerned
the rambling bodies looked to it for assistance.

(1) The Ramblers' Association felt that YHA never appreciated
fully the seriousness of the access campaign, nor tried
to persuade its members to support it. See Rambling Autumn
1937 pp. 8-9.

(2) Physical Training and Recreation (Cmd. 5364); see report
in The Times, 5th February 1937.
George Mitchell, the Honorary Secretary of the Ramblers’ Association, wrote to *The Times* on 10th February advocating that this pastime should be included in any plans drawn up, and in the 1938 Lord Mayor’s Show, which had a “fitness” theme, there were several floats depicting rambling activities.

The most tangible result of all this appears to have been the appointment in July 1939 of a Mr. Guy Keeling as National Rambles Organiser. He was to be an officer of the Association and to act on its instructions, but the salary of £400 (from which he had to pay his expenses) was met by the Scheme. Tom Stephenson recalled in an interview that his duties were to liaise with regional Federations, negotiate over disputed rights of way, prepare itineraries and generally seek to stimulate the wider development of rambling. In fact he never took up his appointment because of the outbreak of war, and Stephenson thought on reflection that the idea was “a half-baked one” which had not really been thought out fully.

3. **The Strength of the Rambling Movement.**

It is important to try and quantify this growth in rambling, and indicate the approximate numbers involved. However any attempt to assess its strength is made difficult because it was at the same time both an organised and unorganised pastime. On the one hand were the properly-constituted clubs and Federations of clubs and on the other an amorphous collection

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(1) See the contract of his appointment, with the Ramblers’ Association.

(2) Apparently the only reason why the RA got the money was that the Cyclist’s Touring Club had earlier been successful in obtaining a yearly grant of £400 for an Organiser, and the Association demanded equality of treatment.
of casual rambling groups as well as many individual walkers. To state total numbers therefore is very difficult. Miss Nora Willington, who for ten years from 1928 to 1938 was Secretary of the Manchester Ramblers' Federation, when questioned about this made the point that "ramblers were always a pretty individualistic lot", and did not take kindly to regimentation of any sort. She herself often walked as an individual.

Apart from a hard core of enthusiasts the membership of the constituent clubs of the Federation varied widely from year to year, while clubs themselves came and went in a similar fashion. At the Annual General Meeting of the Federation in 1932 Miss Willington stated that numbers of both individual members and affiliated clubs were declining, which she attributed partly to the economic slump which made people save on the cost of subscriptions, and also because of the rival attractions offered by the Youth Hostels Association. Later, in 1934, the Federation's Handbook gave the following figures: compared with 1932 there were then 98 member clubs instead of 120, and 317 individual members instead of 350. At the 1936 Annual General Meeting Miss Willington again returned to the question of declining numbers, and sought to find virtue in the disappearance of the 'craze'. "I do not think this is to be deplored.

(1) There were occasional criticisms of the cliqueness and lack of camaraderie shown by many rambling clubs, and this was one of the reasons why many new clubs were formed rather than existing ones augmented. John E Walsh, writing in the Daily Herald rambling column in 1932, commented "There is more nonsense talked about the brotherhood of the open air than on any other subject" (16th April).

(2) Manchester Guardian 26th November 1932.

(3) Manchester Federation handbook 1934 p. 173. In the same year the Northern Federation of Rambling Clubs (in fact the north-east region) announced that because of a serious decline in membership it was likely to go out of existence. See The Footpath Way, Manchester Guardian, 18th June 1934.
It is better to have a steady number of sincere ramblers, compared with those hordes who a few years ago swept the rambling districts like a band of marauders."

In her opinion expressed to me the Federation never numbered more than 5,000 club and individual members, although many more than this left Manchester at weekends to visit the more accessible parts of the Peak District. A similar situation applied to the Sheffield and District Federation, and as these two bodies were second only to the Federation of London Clubs in membership and degree of organisation their fortunes can be taken at least as typical of the wider picture throughout the country.

The fact that no single national body representing ramblers existed until the mid-1930s, nor even any loose confederation of the regional bodies until 1930, is an added difficulty in trying to seek out accurate figures, and as far as the global total of walkers is concerned widely varying estimates can be quoted. In the Adjournment Debate in December 1936 Geoffrey Mander put the membership of all open-air organisations at 147,000, of whom 40,000 belonged to the Ramblers’ Association; earlier, in 1931, Sir Lawrence Chubb was reported as putting the number of ramblers alone at the much higher figure of 500,000, 200,000 of whom were in London on the south-east.

(1) Remarks quoted in Manchester Guardian, 1st December 1936.
(2) Fred Heedman even disputed this fact. For many years he owned the Church Hotel by the station at Edale and was, as he pointed out, in a "good position" to know the numbers who arrived by train there. Even at the height of the 'craze' he put these at hundreds rather than thousands. There were other points of disembarkation of course such as Glossop, Hayfield, Hope, Hathersage and Grindleford. In fairness it should be pointed out that other evidence indicates Heardman's estimates on the low side but certainly MacColl's figures quoted in footnote (5) on page 197 below appear to be a wild exaggeration.
(3) 318 HC Deb, 5th 2073 9th December 1936.
(4) Daily Herald, 1st May 1931.
Tom Stephenson, who remains one of the most reliable authorities on this period, stated in an interview that when the Ramblers' Association was set up in 1935 its membership was between 35,000 and 40,000, and the number of affiliated clubs from then until 1939 varied between 300 and 400. He judged that Chubb's figures were wildly optimistic and intended more as a propaganda device.

In summary it can be said that rambling came to have a great attraction for many working-class people in the late 1920s and early 1930s, that these new walkers added themselves to the more dedicated minority who already followed the pastime and that the total strength of the movement appears to have been well over a hundred thousand at its height. It is also clear that a decline set in after 1935, partly because of the rise of other outdoor interests, but despite this rambling had become a firmly-established recreation in particular parts of the country by 1939.

4. THE DEVELOPMENT OF RAMBLING ORGANISATIONS.

If one is concerned with the activities of ramblers as an interest group it is more rewarding to consider the development of the organisations which represented them, rather than try to count heads. The earliest regional Federations of Clubs antedated by several years any national body; the London Federation was the first to be set up in 1901, followed much later by the Liverpool Federation in 1922, the Manchester and

(1) Ramblers' Association records for this period yield no more positive information than this.

(2) One possible reason for the widely-differing figures given is that rambling was a pursuit heavily concentrated in certain areas. In these areas there might well be thousands of walkers, but other upland places were little visited. To a local observer this imbalance might not have been apparent.
In 1923 and the Sheffield and District in 1926. These four bodies formed the bed-rock of the movement and were joined by others in the early 1930s. The West Riding Federation was established in June 1930 for example, followed by the North East Lancashire in July 1931, Leicestershire in September of that year and South Wales in June 1932. By 1932 (1) therefore most of the important regional groupings had been established, although their strengths of membership and organisation varied considerably.

The setting up of a national body took longer. A preliminary meeting of representatives from the different regional bodies met at Hope in Derbyshire on 28th June 1930 to discuss plans for a National Council of Ramblers' Federations and it was agreed to set up a central body with its own financial resources. The inaugural meeting of this body was held on 26th September 1931 at Longshaw Lodge, although its first business meeting took place over a year later on 1st and 2nd October 1932. Two years after, in July 1934, a Joint Correlating Committee of Open Air Organisations was formed of members drawn from the ramblers' National Council, the Youth Hostels Association and the Camping Club with the purpose of (2) discussing matters of mutual interest, and the Ramblers' Association was founded in the following September.

(1) The last Federations to be set up before the war were the East Riding in April 1938 and the Northern Federation in 1939.

(2) See The Footpath Way in Manchester Guardian 2nd July 1934. One of the Committee's first actions was to convene the National Parks meeting at the Central Hall which led eventually to the creation of the Standing Committee on National Parks.
With one exception all the regional Federations joined forces in this new body while still retaining their own local identity. The exception was the Manchester and District Federation. A lively debate was pursued within this organisation as to whether the new Association would prove militant enough to suit the needs of the northern rambler especially in the Peak District, which had long been the cockpit of the access struggle. It was also argued that it would have a distinctly "southern" bias (although for many years its offices were located in Liverpool), with a greater emphasis being put on Rights of Way, National Parks and the preservation of amenity, than on access. Finally there were fears that local autonomy of action would be lost within such a larger grouping. From the beginning of 1935 until mid-1936 doubts persisted and a split developed between the leaders of the Federation, one faction led by Edwin Boyce and Kenneth Spence being in favour of joining and another led by AW Hewitt against. The 1936 Annual General Meeting finally came out against joining, a decision which was not reversed until the AGM in 1939.

This clash within the ranks of the ramblers is significant for it bears out strongly the point that they were not only highly individualistic folk but often very parochial in their attitudes. The concern of each regional Federation lay with its own local problems, and there was great difficulty in

(1) The controversy can be traced through individual news items in The Footpath Way, but a more convenient history of it appeared in 25 milestones, the jubilee publication of the Manchester Federation, published in 1948. This contained an article by Arthur Smith The Manchester Ramblers' Federation and the Ramblers' Association, pp. 32-34. (see also Manchester Guardian 28th November 1935, leader and article.)
developing a more "ecumenical" awareness. It is interesting that correspondence and interviews with some of the surviving figures of this time frequently elicited the reply that they did most of their walking in one particular area. The Liverpool clubs usually visited North Wales for example, while those in Manchester and Sheffield turned towards the Peak and those in the Midlands towards the southern Pennines. Talking to Stephen Morton of Sheffield about this he pointed out that it was almost impossible for ordinary ramblers to go any further afield for they were limited by the time they had available (at the most a week-end, and often just Sunday) and the lack of money.

(1) As evidence of this parochialism one may quote the following lines from a letter written by Royce to Tom Stephenson on 20th November 1938, concerning suggestions for his Daily Herald column. "I would suggest that one of your paragraphs should make an appeal to the southern rambler, either to support the movement (by writing to his MP) or should study the subject. (sic) One of our Manchester Committee members, who has been in London nearly all this year has tackled London ramblers on the Sunday trains and reports them as quite ignorant of an Access problem." (Correspondence with Ramblers' Association).

(2) A similar view was expressed by Bernard Rothman, one of the leaders of the Kinder mass trespass in 1932. Many working-class youths were forced to walk as individuals because they could not afford the subscriptions demanded by the clubs. In his recollection the "organised" ramblers in Manchester were mostly from a middle-class background (e.g. teachers, civil servants, clerks) and did not welcome people such as himself (an unemployed motor mechanic). However, he pointed out that the Sheffield clubs were much more proletarian in their composition. Another advantage they had was that they could walk out from the centre of Sheffield to the moors fairly easily.
His early rambling in the mid-1920s had to be within cycling distance of the city centre and some of his companions could not afford the fare to the tram terminus. (Ironically it was the unemployed who had most time for walking.) Places such as the Lake District or Snowdonia could only be visited on rare occasions. Another veteran, Phil Daley of Manchester, described how they faced not only these problems but also the dangers and intimidation which went with trespassing over the grouse moors. Youth and fitness were essential so that the party could literally keep one step ahead of the gamekeepers, and a day's outing was often punctuated by verbal and physical assaults from these gentlemen. He admitted that the more resolute ramblers were not above replying in a similar vein when the circumstances demanded it. Against such a background as this it is easy to appreciate why the northern rambler regarded himself of a more self-reliant and militant cast than his southern counterpart.

Another indication of the difficulty of channelling the efforts of ramblers towards a single national purpose was found in the problem of raising finance. The various Federations and the national Association were financed by subscriptions.

(1) Morton told an amusing story, which incidentally shows that in some instances gamekeepers could be more pleasant to deal with, concerning the occasion he was bringing up the rear of a Club outing and a keeper accosted them. He allowed them to continue and fell in at the back alongside Morton. "You folk are all right" he said, "but there are some right cheeky devils about. I'd like to get my hands on that bugger Morton to start with"!

(2) Fred Heardman also spoke of the stratagems he used to get onto the moors. On one occasion he and a Companion were staying at an inn deciding where to trespass the next day when they overheard the leader of a Manchester party mention he had a permit to cross a private moor. Heardman and his friend got up early the following morning and preceded this group to the gamekeeper's house, where they introduced themselves as the advance party. The keeper addressed them as "gentlemen", let them through and wished them a pleasant day's walking!
affiliation fees and occasional gifts, and little was left over for them to spend on the wider access campaign. There is evidence that at least three attempts were made at different times to raise additional funds, of which two appear to have been unsuccessful mainly because of the unwillingness of the ordinary rambler to subscribe to them.

In 1934 a Croydon rambling club called the Southern Pathfinders set up what it called a "Ramblers' Open Spaces Fund" with an initial gift of £500. It was in fact given to the National Trust in order that threatened open spaces could be purchased by the Trust and preserved from development. This initiative induced no equivalent generosity from other clubs however, partly it appears because the gesture came from the south and also because it involved working with an "establishment" body such as the Trust.

In June 1937 an attempt was made to set up a "Ramblers' Countryside Fund". The idea for this came from officials of the Southern Federation and it was hoped that every rambler throughout the country should donate a minimum of one penny per month in order that threatened areas might be bought and preserved. It was calculated that this Scheme would raise at least £2,000 a year, and possibly more. However within a year it had become apparent that the plan was not meeting with its

(1) See The Footpath Way, Manchester Guardian 5th November 1934. Also Journal of the COSFFS Vol. III No. 7 July 1934 pp. 243-244. There was general amazement that such a comparatively small club could raise this huge amount.
(2) The Footpath Way, Manchester Guardian 20th July 1937.
(3) These calculations seem to support earlier figures of 40,000 or so "organised" ramblers in the late 1930s.
expected success and by 1940 the venture was wound up. Again it seems that its failure could in a large part be attributed to its southern origins.

The only money-raising idea which appears to have originated in the north came from the West Riding Ramblers’ Federation, which set up a fighting fund to help meet the expenses of the campaign launched to secure the passage of the Access to Mountains Bill in 1938. This fund did in fact help to pay for the hire of halls and the publicising of meetings. It is interesting to note this was more clearly a regional initiative which did not particularly seek contributions from other areas, and that its object was to finance the access campaign - a predominantly northern concern.

5. THE PROBLEM OF RAMBLERS’ BEHAVIOUR.

The growth of rambling led to a preoccupation with the behaviour of walkers because much of the case against access was based on the argument that townspeople who came out onto the moors at the weekend did not know how to respect the countryside. In May 1924 for example the first letters appeared in the Manchester Guardian about the damage allegedly committed by walkers on the grouse moors, but the whole vexations matter did not become an important issue until later in the decade. This can be traced through the correspondence columns of the northern papers, particularly the Manchester Guardian. In April

(1) Bulletin of the Ramblers’ Association No. 43 September 1938, It commented “we have not done much to save the countryside from destruction or take out of private hands beautiful areas forbidden to the rambler.”

(2) Ramblers’ Association Gazette, Winter 1938-39 No. 5 p. 3.

(3) 21st May and 23rd May.
1928 a letter from Mr. Wilkinson appeared objecting to the offensive type of "new" rambler, which led Miss Willington to write in defence of all but a minority of walkers. Further correspondence continued the discussion until the middle of the following month, and was resumed in 1929 when the Marquis of Tavistock wrote in complaint, to be matched by further rebuttals from Miss Willington. A similar piece of mutual recrimination between the walker and the aristocracy took place in 1933 involving Professor Joad and Lord Lonsdale. In 1928 also GB Ward had reproached critics of the ramblers in an article in that year's Clarion Handbook. He contrasted the virulence of their attacks with the general tolerance exhibited towards the "well-bred" hooliganism of undergraduates and debutantes.

Nevertheless, despite such protestations, there did appear to be a growing problem of noise, litter and occasional damage, particularly in the most heavily-frequented parts of the Peak. (Although Heardman was of the opinion that it was over-stated; he felt that misbehaviour only became an annoyance to local people in the early 1930s, but even then it was small compared with the problem nowadays.) Hayfield and Edale were the villages suffering most because they both had railway stations used by the "ramblers' specials" from Manchester and Sheffield. By June 1930 local pressure induced the Hayfield Rural District Council to complain to the rambling Federations, and a public meeting was held in the village on 11th June.

(1) Op. cit. 26th April 1928, and on 10th, 11th and 14th May 1928. The paper supported the generality of ramblers in an article entitled Inoffensive Freedom, 7th May 1928.
(2) Op. cit. 4th July 1929 and 5th July 1929.
(4) pp. 133-147. See also The unobtrusive rambler, an article in Manchester Federation handbook for 1928 pp. 28-30.
(5) It was then that he had to start 'vetting' walkers who wanted to use the Church Hotel.
(6) Manchester Guardian 12th June 1930. Also 13th, 15th and 16th June.
Officials of the Manchester Federation took various steps to try and improve relations, including distributing posters appealing for good behaviour, collecting litter and instituting a moor warden scheme for patrolling the vicinity to prevent noise and damage. These measures did not seem to have the desired affect however for in March 1933 further meetings were held between the ramblers, the Rural District Council and local landowners to discuss what other steps could be taken against unruly walkers.

It appears that the problem of a noisy and anti-social minority was never satisfactorily solved, and indeed persists to the present. The genuine rambler was no less upset by it than were local residents and sought comfort, as did Miss Willington and Ward, in the fact that the numbers of such people were small. It was an unpalatable fact that this did not diminish the nuisance they caused and the ordinary walker had to learn to accept a certain amount of hostility because of it. Short of discriminating between who was to be allowed

Amongst the ramblers each 'side' blamed the other. Manchester folk held that the miscreants came from Sheffield, and vice versa. Heardman said that the graffiti in the Edale station waiting room was always worse on the wall nearest Sheffield!

On. cit. 6th September 1930, and 29th November 1930.


Op. cit. 19th February 1949. An item commenting on the fact that hooliganism was still a problem in the Peak District.

It is interesting here to quote part of the transcript of the interview given by the folk-singer Gwen McColl to the BBC during research on the background to the Kinder Scout mass trespass. "People were very much against the hikers e.g. not only were repressive measures taken by the gamekeepers, but there were also the shop-keepers who wouldn't sell to them and hotel keepers who wouldn't put them up. Newspapers frequently carried stories of the "goings-on" of hikers. There obviously was the traditional country versus town hostility, but there was also hostility because people didn't wish to be reminded of the situation. The 120,000 hikers coming into Derbyshire every weekend were an unpleasant reminder of the difficult conditions other people had to face." (in 1932 McColl was aged 17, and was press officer for the left-wing Ramblers' Rights Movement.)
onto the moors little could be done, and any such discrimina-
tion would be impractical to implement and difficult to justify.

\textbf{(a) Warden Schemes.}

The notion of creating a body of wardens who would
undertake to patrol popular areas and seek to encourage
reasonable standards of behaviour had been accepted well
before 1936. Early in 1928 a number of open-air and amenity
bodies working in concert had managed to raise sufficient
money to buy the Longshaw Estate near Sheffield and soon after
it had been opened to the public a Warden Scheme was inaugurated
by the Sheffield Ramblers' Federation. A sub-committee
organised first by Phil Barnes and later Frank Gillott was set
up and a body of volunteers recruited to patrol the estate.

This local initiative had a greater significance because as a
result of its success the Derbyshire Rural Community Council
set up a more extensive Scheme covering the whole of the county,
and later in 1934 a gathering of the various rambling
Federations, the Commons Preservation Society and similar
bodies was held at Buxton, at which it was agreed to organise
a national Countryside Warden Scheme. This task was given
to the Council for the Preservation of Rural England and was
launched in June of that year when the Council established the
Countryside Warden Joint Standing Committee. The next year
there were already 300 or so volunteers, and by 1939 this
number had risen to over 800.

\begin{enumerate}
\item See page 73 above.
\item For the details of this purchase see \textit{The Economist},
\item For a fuller account of the sequence of events described
here see CPRE Monthly Reports Vol. IV No.1 July 1934 pp.
20-21,
Vol. V No.3 December 1935
p. 42,
Vol.XII No.3 May 1939 p.13.
Also items in \textit{The Footpath Way} in the \textit{Manchester Guardian}.
\end{enumerate}
Another problem was that of the attitude of the churches. This was because many people could only find time to visit the moors on Sunday and also because many youth clubs and church organisations had strong rambling sections. Their leaders thus became very sensitive to accusations of contravening the proper observance of the Sabbath and of leading young people astray.

The attitude adopted by the religious hierarchy was therefore important, and attempts were made to instil some spiritual content into rambling by holding services in both village churches and in the open air. It was doubly advantageous if a Bishop or important Free Churchman could be persuaded to conduct them rather than the local Vicar. More encouraging still was the support given by some leading ecclesiastics to the rambling cause. Dr. Temple, then the Archbishop of York, was one such eminent sympathiser, praising the wholesome joys of walking and claiming that it promoted the Christian virtue of "good fellowship". The Bishop of Wakefield was another. Speaking at

(1) The Vicar of Hathersage, for example, made accusations of blasphemy and immoral behaviour in his village by Sunday ramblers. See *Manchester Guardian* 19th April 1933.

(2) A member of the Manchester branch of the Holiday Fellowship for example accused its rambling leaders of organising "petting parties" in the guise of rambles. See report of AGM, *On. cit.* 12th February 1938. See also the *Daily Herald* 3rd May 1931, which reported the remarks of a Father Woodlock, preaching at the Jesuit Church in Farm St., London. He attacked the immorality of young people walking together. "Temptations involved in the new craze for young unmarried couples taking hiking holidays together; and not confining their attention to the improvement in physical health derived from such open-air excursions." Father Woodlock tried to make his peace in a letter to the paper (7th May) in which he stressed that his remarks were specifically about unmarried people walking together - he had no objection to married couples following this pastime!

a meeting of the Northern Council for Sunday Schools and Youth Movements for example he claimed that "walking was better than the immoral eroticism of the picture house or the flashiness of the meeting under the lamp standard". (1)

Another device for bringing the walker and the church closer was the instituting of a "Rambling Sunday", with the suitably anodyne motto "Walk and understand", on the third Sunday in June each year. These began in 1933 and were occasions for religious services and secular rallies at which statements of sympathy and support from public figures were read out. (2)

(There is also at least one instance of ramblers taking more practical steps to associate themselves with the Church. In The Footpath Way of 10th September 1934, there was an account of how several clubs had joined together to renovate a derelict church at Lead in the West Riding, for use by ramblers.)

Those people I have interviewed felt there was in reality no clash between rambling and attendance at worship, for many village churches and chapels welcomed the genuine walker and some Federations even listed religious services in their Handbooks. Undoubtedly strict Sabbatarianism might conflict with such an open-air pursuit but this would only have affected a small number of people. It was felt that the criticisms of church leaders were spurious, and simply another convenient stick with which to beat the walker.

(2) At least on occasion these figures included the Prime Minister - Ramsay MacDonald in 1934.
7. PUBLICATIONS.

It is possible to gain yet another perspective on the growth of rambling by examining the magazines, handbooks and newspaper columns which catered for it.

(a) The Popular magazines.

Apart from official publications there were two magazines on sale which appealed to the popular market. Both incorporated editorial comment and a number of forceful articles alongside descriptive features, itineraries, catering and accommodation lists, club programmes and advertising. The first to appear was a monthly called Out o' Doors. It was launched by a Mr. Cecil Farmer in Manchester in August 1927, and appeared regularly until February 1933, when 'production difficulties' forced it to miss a month. From then it maintained regular publication until July 1934 but throughout this last year was ailing badly. Another monthly, The Hiker and Camper, which appealed to the same market and was published by Odhams Ltd., appeared in February 1931 under the editorial control first of Lt. Commander Kenworthy MP and later a Mr. John E Walsh. Tom Stephenson took over as editor in 1933 but by February of the next year it was experiencing the troubles affecting its competitor, and Odhams sold their interest to a Mr. Carl Brunning. Not long afterwards, in July, Brunning also acquired Out o' Doors and combined the two magazines from September under their joint titles. In March 1936 the amalgamated journal reverted to being called simply Out o' Doors, and under this title it continued publication on a

(1) Complete series at the British Museum Reading Room.
(2) He in fact appealed to ramblers to suggest a new title for the magazine but eventually decided, despite the opprobrium surrounding the term "hiker", to keep the old ones.
fairly regular basis until the outbreak of war.

Naturally these magazines would have failed in their purpose if they had not reflected the current preoccupations of ramblers. The Hiker and Camper in particular began with a strong editorial policy and was highly critical of the government's inaction over the Addison Committee's recommendations while Out o' Doors, because of its northern roots, reflected and commented more upon the access campaign. Luminaries such as Sir Lawrence Chubb and Sir Charles Trevelyan were contributors to both, as well as some of the younger and more radical figures such as Barnes and Stephenson. However it was noticeable that from mid-1934 the attitude of the combined magazine changed, losing its occasional note of controversy and adopting a much blander tone. Whether this simply reflected Brunning's outlook or whether it was induced by fears of alienating the uncommitted rambler by identifying exclusively with one faction is difficult to judge.

Apart from these magazines it is also interesting to consider briefly some of the commercial and "unofficial" bodies which sprang up during the years of the rambling boom. These were either devoted to organising and conducting of what amounted to "package" rambling tours at home and abroad or to instilling a spirit of fraternity amongst ramblers who might not wish to belong to the official organisations. In the former category one can instance the Wayfarer's Association of Great Britain, founded by Mr. Tom S Hall. Although its offices were in Falkirk

(1) Publication had to be suspended in the winter of 1935-6 because of a fall in advertising revenue. After a chequered war-time career it finally went out of existence in 1950.

(2) Even before then it is interesting to note that The Hiker and Camper for example did not comment in any way upon the 1932 mass trespass on Kinder.
much of its business came from England and Wales. Apart from the earlier Co-operative Holidays Association already mentioned, there was also the Holiday Fellowship, the Friendship Holidays Association and the Worker's Travel Association. In the second category were bodies like the Hikers and Campers Association of Great Britain and the Out o' Doors Fellowship, both linked with magazines of those titles. Each took pains to emphasise that while its aim was to further the development of the open-air movement it was to be done by providing services to the individual rambler. These included disseminating information, negotiating concessions and preferential terms for equipment, accommodation and travel, and offering legal advice. They drew a line at becoming involved in access or rights of way disputes.

(b) Official rambling publications.

These were the various handbooks and magazines which carried not just information but also 'official' rambling opinion. Most were regional publications, such as the Sheffield Clarion and the Manchester Federation handbooks which have already been mentioned. Other Federations also issued regular handbooks though these were usually 'vade mecum' for their members rather than vehicles for controversy. In addition some Federations, and even individual clubs, issued various bulletins and broadsheets. Of these, one example can be given - the Manchester Federation published a monthly broadsheet called "Sign-post", which ran from May to October, 1932 (i.e. during

(1) See page 6 above.
(2) This organisation was in fact founded before the war - in 1913 - by The Revd. TA Leonard, to correct the failings which had crept into his earlier venture.
(3) Complete series in the Local History Section, Sheffield Public Library.
(4) Complete series with present Secretary of Manchester Federation, Miss Irlam.
the aftermath of the mass trespass on Kinder). The lives of these publications tended to be short and irregular because they were so dependent on individual enthusiasm and had limited resources, but one or two such as the "Northern Rambler" (published by the Manchester Federation from September 1935 onwards) had a longer and more established existence.

As far as the national rambling bodies were concerned, the National Council of Ramblers' Federations from its Liverpool headquarters published the Rambling magazine which first appeared in June 1933. From then on it made irregular appearances until the autumn of 1937, by which time it had been taken over by the Ramblers' Association. Its title was then changed to the Ramblers' Association Gazette and it was established on a quarterly footing up to the outbreak of war. In addition the Association also published from mid-1936 a Monthly Bulletin as a channel for more regular communication with its members.

(c) Newspapers.

Other regular sources of news and opinion for ramblers were the newspaper columns which began to appear in the late 1920s. By 1929 most of the local papers in Lancashire and the West Riding carried such columns and by the early 1930s several national papers had followed suit.

The Manchester Guardian began publishing a fortnightly column Rambling and Ramblers in February 1931, which was given a wider appeal three years later under a new title of The Footpath Way. This, together with numerous leaders and feature articles

(1) Edwin Royce was its editor.
(2) For a period between 1935 and 1937 it appears that Out of Doors was also an official journal of the Ramblers' Association. This was possibly because of the spasmodic appearance of the Rambling magazine.
(3) All these magazines and bulletins with the Ramblers' Association.
in the same paper, was the work of Mr. Patrick Monkhouse, who was a renowned figure in northern rambling circles and an authority on the lore of the Pennines. The Daily Mail carried a weekly column devoted to walking and camping for two years or so from April 1931 to September 1933, but amongst the popular press the two papers which understandably took most interest were the two more radical ones - the New Chronicle and the Daily Herald. The former carried a column for many years (well into the late 1940s) written by one of the most famous of open-air journalists, Mr. Stanley Baron, but the Daily Herald was the most interesting example of the reaction of the popular press to the rambling craze. Immediately the Addison Committee had reported in May 1931 this paper published a front page news item and a leader announcing the formation of a 'National Hiker's League' and a few days later issued a ten-point programme for the League which included the need to preserve amenities, secure a 'Hiker's Charter' and encourage propaganda. The following day it unveiled its badge and tramping song - I'm happy when I'm hiking - together with endorsements from Ramsay MacDonald and MPs such as George Lansbury and Commander Kenworthy, together with Sir Lawrence Chubb. A weekly column entitled On the Hike appeared each Saturday from 16th May onwards. The whole concept of the League was ridiculed by the rambling 'establishment' as a mere press stunt, and indeed the very term 'hiker' was, and

(1) In fact, Patrick Monkhouse is still alive, although an old man. Despite the influential position he held during this period he now claims to possess little worthwhile knowledge on the subject and has declined to contribute by interview or correspondence. He nevertheless contributed an interesting Foreword to Byne and Sutton's book, published in 1966.

(2) 4th May.
(3) 7th May.
still is, considered a term of abuse.

In 1933 Tom Stephenson took over as the paper's open-air correspondent and made the column into an important source not only of information but also of argument and opinion. Frequently when circumstances demanded it was enlarged into a major feature, and it was in one such article that he first proposed the creation of a continuous trail along the length of the Pennines, now known as The Pennine Way. Stephenson remained as correspondent until September 1939, when the column was dropped because of lack of space.

(d) Books.

As far as separate books on rambling were concerned their number was legion, although all but a handful were descriptive works, explaining the lore of the countryside or suggested rambling routes. Of those which approached the problems of access to open countryside only a handful can be traced, and all of these will be considered in the next Chapter.

8. DANGERS AND TRESPASS.

Apart from the obvious objection made by landowners to unauthorised walkers crossing their property there was another argument that the moors in bad weather constituted a hazard to all including the most experienced ramblers. Even in summer months weather conditions could change dramatically within the course of a day's outing, and so it was in the ramblers' own interests that the bleaker parts should be barred to them.

(1) See The Spectator, 25th May 1931. A Charter for Ramblers by Professor CBM Joad, pp. 109-111. "I say 'ramblers' advisedly, for nothing exceeded the scorn which these people seemed to feel for the word 'hiker', the offspring of a press stunt, 'as if', they said, 'nobody has ever walked before the spring of 1931."

(2) 22nd June 1935. The agitation for the establishment of the Pennine Way is an interesting aspect of the development of rambling at this time, but because it was confined to securing a right of way it strictly lies outside my terms of reference.
Tom Stephenson thought that this danger, although it existed, was exaggerated by the owners as another device for preventing general access. He was of the opinion that between 1919 and 1939 the number of fatalities was small, certainly below double figures, and could recollect clearly only three. It is difficult to ascertain with any certainty how many accidents there actually were because walkers lost on the moors would often reach safety with no alarm being given, or be discovered by search parties little the worse for their ordeal. In such cases there was no reason for the press to comment. However the line between survival and death was a fine one and all such mishaps held the potential for greater tragedy. (one of the most remarkable escapes was that of three young girls who were lost on Saddleworth Moors for over three days in December 1939 and yet were found alive although suffering from exposure.)

It is possible to account for at least five deaths in the Peak District (a notoriously treacherous region) and three in Snowdonia during this period, so the total of fatalities in the whole country could perhaps be put at between 15 and 20. Even this figure is possibly not high enough to justify condemning rambling as a 'dangerous' recreation, bearing in mind the thousands who took part. An interesting point about the deaths recorded is that they all appear to have involved experienced and hardy ramblers rather than the more casual walker.

(1) This discussion obviously does not include climbing accidents, of which there were many.
In 1922 two rambles died from exposure on the top of Kinder, a Mr. Martin in January and a Mr. Newton a month later. Both these men were well-known club ramblers. Using their deaths as pretext Mr. Watts, the owner of most of the Kinder plateau, stated that he was closing the moor permanently to prevent further accidents but despite this three years later, in January 1925, another experienced walker named Evans died there. It was ironic that he had in fact left the rest of his party in order to regain the Snake road quickly because bad weather was descending, and his body was discovered within sight of it. In November 1926 two men, a Mr. Scott and a Mr. Taylor, perished in Snowdonia near Lake Lingwy, and the May 1928 number of Out o' Doors carried a poignant letter from a Mr. and Mrs. Kinder appealing for ramblers visiting the region to look out for the body of their son, missing since the previous July. The death of Philip Altman in September 1929 was of particular interest for he was a member of the "bog-trotting" fraternity and died from exhaustion and exposure on Bleaklow Head while attempting a record crossing from Marsden to Edale.

(1) Manchester Guardian, 1st February 1922.
(2) Byne & Sutton The High Peak pp. 75-76.
(3) Manchester Guardian 7th January 1925. The same paper published a short leader on this accident (9th January) which argued that such tragedies, although regrettable, were an inevitable risk attached to rambling. They should not be used to justify preventing access to the wilder areas. As will be seen on page 212 one of the reasons why winter accidents occurred was that this was one of the few times of the year when rambles could venture onto the moors without disturbing the grouse.
(4) Out o' Doors. Vol. 1 No. 5 December 1927, p. 133.
(6) The Times 20th September 1929. (The last recorded death was in November 1935. See The Footpath Way, Manchester Guardian, 15th November 1935.)
This episode raises the question of how far the fact that many walkers could only go where they wished by trespassing contributed to turning errors of judgement into something more serious. It was obviously difficult for those involved in trespassing to raise the alarm without incriminating themselves if one of their companions became lost, and lone walkers crossing forbidden areas would not be likely to broadcast their routes widely for similar reasons.

This leads onto a consideration of the whole problem of trespass and the need to understand clearly what it meant. It is often wrongly assumed that except where it constitutes a specific crime ("criminal trespass" on the railways for example) there is no such thing in law as trespass. It is another popular misconception that if a wrong is committed by walking over private land it is because of the damage inflicted, and that therefore if one commits no damage again one is not guilty of trespassing. Unfortunately for the walker wishing to remain within the law it is assumed that damage is inflicted by the act of walking, however slight this might be.

Certainly trespass upon moors and mountains is not a crime, so that notices which claim "trespassers will be prosecuted" are indeed wooden lies, but it does constitute a tort or civil wrong, for which one can be sued by the aggrieved owner. Although individual acts of trespass might reasonably be overlooked, persistent abuse could be met by applying to the High Court for an injunction. If this application is successful an injunction would be issued against named individuals, and once it was served any further trespass would amount to contempt of court. The purging of this contempt could involve a militant rambler being sent to prison. It is therefore clear why ramblers saw the problem of trespass not only as an unjust
denial of liberty but also as a threat to their enjoyment of the moors.

According to Stephen Morton, CHB Ward was eventually 'frightened off' several of his favourite moors by being threatened with injunctions. As he was a civil servant ignoring them and suffering the consequences would have resulted in him losing his job. Tom Stephenson recollected another rather pathetic story which reflected on this menace indirectly.

Towards the end of his life (he died in 1948) Edwin Royce became very disillusioned about the willingness of an unsympathetic parliament to accede to the demands of the walkers and give them freedom of access to the mountains. He therefore proposed to Stephenson that, being an old man, his last contribution to the cause would be to walk on Kinder in such a blatant and persistent fashion that an injunction would have to be served lest his example spurred on others. He then proposed to ignore this, refuse to appear in court and so be committed to prison. Stephenson had great difficulty in persuading him against this course of action. Royce was by then a sick man and it was obvious that even if walking on Kinder did not kill him, prison would.

To ramblers the likelihood of committing trespass varied according to where they walked. In areas such as Snowdonia, central Wales and the Lake District it was seldom a problem because of the large expanses of common land there. Other parts owned by bodies such as the National Trust and the

(1) Fred Heardman remembers this also. Apparently one injunction was served by Mr. Watts and prevented Ward from walking over Kinder Downfall for the rest of his life.
Forestry Commission were also accessible to a greater or lesser extent, while on private estates there often were sufficient rights of way to allow adequate freedom of movement for the law-abiding walker. Even in the southern part of the Pennines, in places such as the Dove and Manifold Valleys, access was fairly easy. It was mainly on the moors running northwards from there that the conflict between the walker and the landowner was most bitter, and this meant that, as in other respects, the Peak District became its centre.

As described briefly in the opening Chapter the reason for closing these moors against access was because of the shooting of grouse. The topography and vegetation of the Peak constituted a perfect habitat for this bird and by the 1920s a thriving activity had developed. Apart from the income derived by the owners and local authorities in the form of rents and rates, gamekeepers were employed the year round and beaters and porters during the shooting season from 12th August to 10th December. Lesser benefits percolated down to local tradespeople.

(1) To a lesser extent it was also because some of them were water-gathering grounds. This problem will be considered also in the next Chapter.

(2) Stanley Baron published some interesting figures about the economic returns from shooting. Total rents from shooting in England and Wales amounted to £500,000 a year, based on the calculation of £1 per bird shot in each of the three preceding years. The average rent for a moor was £600. Permanent employment was afforded to about 2,000 keepers, with seasonal work for another 6,000. Against this had to be set any losses resulting from the curtailment of other activities such as tourism. (News Chronicle, 2nd December 1938). Fred Heardman also pointed out that the amount of employment offered was small - for example, the whole of the shooting on Kinder was tended by only five keepers. The main economic advantage therefore appeared to have been to the owners and local authorities, a fact which further incensed ramblers.
As well as being closed for shooting access to the moors was also forbidden during the nesting period from April to June, so in effect no walker could venture out with permission during the seven most favourable months of the year. Faced with such an uncompromising attitude it was inevitable that ramblers should look upon it as a ludicrous and iniquitous manifestation of privilege. They could see no justification for barring thousands of acres of deserted and barren land to them simply for the convenience of a handful of wealthy sportsmen. It was from this simple conflict of interest that so much bitterness and militancy sprang, and because of it the region stretching between Manchester and Sheffield became the cockpit of the access battle. Speaking with Chris Hall, the present Secretary of the Ramblers' Association, he was of the opinion that although this battle was fought with such energy and passion that

(1) Tom Stephenson summed up these feelings in a letter which he wrote to Miss Robinson, the Secretary of the West Riding Federation, on 2nd February 1939. "We do not care who owns the mountains but we do contend that the rights of property should not include the right to prevent people enjoying their native hills." (correspondence with Ramblers' Association). It might be asked where walkers could go in the Peak District without trespassing, if so much was barred to them. In fact there were some areas open to the public such as the Longshaw Estate and Blacka Moor (donated by Alderman Graves of Sheffield to the National Trust in 1932), and moors owned by some local authorities, particularly Sheffield Corporation, as well as footpaths and bridle-ways. Also many walkers stuck to the by-roads which crossed the moors.

(2) It was perhaps difficult for landowners to appreciate why people wanted to gain access to such a desolate area, when compared with the Lakes or Snowdonia. Not everyone agreed about their beauty. For example Daniel Defoe had described the Peak District in his *Tour through the whole island of Great Britain* (1748). "It is perhaps the most desolate, wild, and abandoned country in Great Britain". And Mrs. Humphrey Ward in her novel *David Grieve*, which was set in the Kinder region, described it as "a region which has no features and no landmarks, where the earth lays snares for you, and the mists betray you, and where, even in bright sunshine, there reigns an eternal and indescribable melancholy."
it came to dominate the wider national struggle, the history of the region, its geographical characteristics and the concentration of population on either side all made it untypical of circumstances in the rest of England and Wales. In other words, the campaign for public access to open countryside fought in the Peak by people such as Royce and Ward was an attempt to find a national solution to what was essentially a local problem. As far as the Lake District and Snowdonia were concerned it held back rather than spurred on wider access there because it exaggerated the difficulties of what appeared to be a more amenable problem. On the other hand it has already been pointed out that rambling was through force of circumstances a localised activity so it is understandable that the preoccupation with access should occur in a region where more people walked than in the whole of the rest of the country. It was unfortunate that where this recreation had developed so enormously was also where those interests already in possession were least willing to work towards any form of accommodation.

In general terms one may claim that this was what the access campaign was all about. Beyond all the detail was a clash of opposing interests around a single fundamental issue, centred on one particular stretch of moorland. Unless and until an acceptable scheme for National Parks was established the rambling interests looked forward no further than to a time when they might walk where they wished, without let or hindrance, on these forbidden lands. In brief, their objections to trespass is the theme which runs through the whole of the next Chapter.
The activities of the Sheffield Clarion ramblers and the polemical writings of GHB Ward have already shown that menaces to the freedom of the walkers existed well before the First World War. During the inter-war years one can trace the growth of the campaign for public access to the open countryside through three distinct phases, which may be termed its opening years, the years of militancy and finally the years of decline.


The first signs that the social changes following the war had not affected the attitudes of the landowning interests towards access appeared in the early 1920s. In 1923, for example, there occurred the notorious incident of the Manchester Evening Chronicle advertisement. On 30th April a display advertisement appeared in that paper which offered a £9 reward to anyone supplying the names, addresses or occupations of any of the men shown in two accompanying photographs. This action was taken by solicitors acting for Mr. Watts, the owner of the major part of Kinder plateau, and there were several interesting features about it. To begin with, it was an intriguing speculation how the pictures, obviously taken by a fellow walker at close quarters, came into the possession of the solicitors. Secondly no indication was given as to where the "trespassers" were at the time they were pictured.

(1) See Byrne & Sutton pp. 78-79 and Appendix 9.
It was implied of course that they were seen in the act of trespassing, but the advertisement made no specific reference to this and it could well have been that they were waking on a public right of way. Another aspect of the incident was the obvious publicity it gave to what until then had amounted to an obscure guerilla campaign, and the general antipathy which greeted it. Clearly the owner's agents felt that it was necessary to give warning of the serious view they took of trespassing irrespective of what damage they might do to their case in the eyes of the public. Although it is not known what the immediate outcome of this action was it certainly marked a general deterioration in the whole tone of the access controversy which became much more bitter.

The following year the Manchester Guardian first gave its support to the access cause, a sympathy which was to continue for the rest of the inter-war period. It published a long leader on 9th May which argued that as fell-walking was now becoming more popular as a means of escaping the hideous urban environment in the north and of getting closer to nature the collision of interest between walker and landowner had to be resolved, and that the national interest must prevail. "A public-spirited owner of a Pennine grouse-moor will, we think, feel that the call made upon him if the Bill (i.e. Access to Mountains) is passed, will not be confiscatory, although it will be considerable". These arguments were attacked by The Times as over-stating the problem and portraying the northern landowner as vicious and anti-social in his outlook, but the Manchester Guardian replied that this sneering attitude sprang from a lack of appreciation of the magnitude of

(1) 14th May.
(2) 15th May.
the problem involved. In the south the freedom to wander in forests and over heaths had already been won, "thanks largely to a few pugnacious old Whig lawyers". (1)

In the same year Dr. Ernest Baker, already renowned as a champion of wider public access in the highlands of Scotland, published an article *The Forbidden Land* in the Manchester Federation handbook. This contained one of the most succinct surveys of the historical, social and economic roots of the access problem in the Peak District, and discussed possible remedies. As he pointed out however, the crux of the problem really had nothing to do with rental values, grouse-shooting or whatever - it was rather a simple manifestation of the privileges that money could buy. "The actual motive on which these fictitious values are based... is the passion for keeping the public out. The plutocrat wants a solitude for himself and his friends, and our curious British land system gives him unique facilities for creating one." The same theme of unjust privilege denying the legitimate rights of the ordinary citizen found expression in another article, *The Freedom of the Hills*, written by Charles Trevelyan in the 1926 handbook. "There is nothing but the determination of the grouse-driving and deer-stalking community to keep the mountains to themselves, to exclude all other men and women for 365 days in order that there may be no possible risk of themselves shooting ten birds less or killing one stag the fewer..." (4)

(1) Dr. Baker was a well-known mountaineer, and a writer of books on the subject. He was the Director of the London University School of Librarianship.
(2) pp. 11-17. This article was later expanded and published as a book under the same title.
(3) pp. 27-28.
(4) It was in the same year that Trevelyan made the second post-war attempt to secure the passage of the Access Bill.
1926 also saw the first of the annual rallies held at the Winnats Pass, near Castleton. It was organised by the Manchester Federation in support of the Access Bill, although subsequent ones became joint ventures with the Sheffield Federation and Stephen Morton, as Secretary of that body, was for many years their principal organiser. Although the tone of these demonstrations changed over the years (they continued until 1939) and the numbers attending them fluctuated, their essential form and purpose remained constant. On this one occasion each year there assembled a large and well-behaved (1) body of ramblers, who by their numbers and enthusiasm gave a positive indication of the public support which existed for the access cause. They listened to speeches, joined in community singing and acclaimed resolutions put to them by their leaders. The first, at which the main speakers were Dr. Baker, Philip Oliver MP and Rhys Davies MP, was held on (2) 12th June and drew about 2,000 people. In 1927 it took place (3) on 3rd July, while in that October a further rally was held (4) indoors at the local cinema in Hayfield to precede a conference of access bodies, including the rambling Federations, the Commons Preservation Society and the local footpaths societies, which was convened at Hope on 30th October. This second rally was arranged by Mr. Harold Wild, of the Peak District and

(1) According to Morton these rallies were attended by up to 10,000 ramblers, with one policeman to keep order. See also the following comments by George Mitchell in Rambling, the Journal of the National Council of Rambling Federations, No. 1 June 1933 p.2. "While crowds and meetings are not as a rule desirable in the country, these periodical rallies not only demonstrate the numbers behind those who speak for the rambler but also the possibility of a large number of people meeting without damage and without any trace of them having met."

(2) See report of rally, Manchester Guardian 14th June 1926.
Northern Counties Footpaths Preservation Society.

Throughout the country 1928 marked the beginning of the rambling 'craze' and that year's Winnats rally drew between 4,000 and 5,000 people to listen to Philip Oliver and Stanley Jast, the Chief Librarian of Manchester and President of the Manchester Ramblers' Federation. The 1929 rally drew even greater numbers (estimated at over 8,000) and by then the "Winnats" had become firmly established in the rambling calendar in the north of England. The popular press were even beginning to take an interest in the event, helping the organisers by providing song-sheets and loudspeaker equipment for the speakers.

2. THE YEARS OF MILITANCY, 1930-34.

It was clear by 1930 that there was growing up amongst ramblers two distinct schools of thought as to how public access could best be achieved. On the one hand were those who put their faith in piecemeal advance through negotiation and compromise, and on the other those who saw little point in such a dialogue with the deaf, and believed in the necessity for conflict. They argued that the "fabian" approach had had nearly ten years to achieve some tangible success but there was still precious little to show, at least in the Peak District.

(1) Mr. Wild was another veteran of the early rambling movement and a friend of Ward and Heardman. He was the footpaths inspector for the Society for many years.


(4) These facilities were provided by the Daily Express in 1929 and by the Daily Herald in subsequent years.

(5) In fact it was unfair to condemn the moderates out of hand for achieving nothing, because between 1919 and 1930 several hard battles had been fought over disputed footpaths, such as the "Doctor's Gate" controversy which was not settled until 1928. (See foot-note on page 227 below)
The militants saw this as explicable, indeed inevitable, within a nexus of law and social attitudes which accepted and justified the privileges of an elite.

Quite apart from a growing enmity towards the sporting interests, other factors encouraged this militancy. One obvious cause was the sudden upsurge in the numbers of people rambling; another was the publication of the Report of the National Park Committee with its disappointing recommendations for widening public access. Combined with these was the deepening misery caused by the country's economic collapse, a misery felt particularly in the northern towns. Partly because of this there was some evidence also of political activists seizing upon the ramblers' problems as a means of articulating class grievances.

(1) See the transcript of an interview with Ewen McColl during the preparation of the Kinder mass trespass programme. "As unemployment increased, more and more people were walking over the moors. Though the unemployed had to sign on for dole money every day if they had been out of work for more than 14 weeks they were allowed to have travelling dole cards, so that they could sign on and they could find work in different towns. (The local authorities were glad to get rid of them). Many unemployed lived off the land. Many farms were derelict and the farmers were glad to get money from people camping on their fields. The campers lived rough, frequently poaching and stealing food. These boys were naturally militant and very bitter about their own situation; for not only were they rejected by society but even the possibilities of escape at the weekend were denied to them."
(There was, for example, a camp for unemployed men at Edale at this time. Local inhabitants objected to their presence and blamed them for bad behaviour, drunkenness and damage.)

(2) See Manchester Guardian 18th February 1932, an article Making hiking political.
(a) Athol: Royce; Joad: Barnes.

It is possible to trace this change of attitude in several ways. One is by considering some of the writing on the problem which appeared between 1930 and 1934. Numerous articles, editorials, and letters to the press were published, together with several books, but the essential points may best be isolated (1) by concentrating on selected protagonists.

One famous dispute surrounded an article written by the Duke of Athol. In March 1930 he published a short polemic (2) in The Field which commented upon the silliness of the access campaign and more precisely on a pamphlet issued by the Manchester Federation in support of the Access to Mountains Bill, which he described as "a crank's measure which will injure farming, sport and rateable values." He went on to insist that while those who genuinely sought to visit the open countryside for the right purposes were seldom turned away, the throwing wide to the general public of all moorlands would only result in loss of revenue, damage to property and the spoliation of beauty. He argued that the access campaign was "politically motivated", which he implied was a condemnation, and summed up its supporters thus: "there are always a few cranks and political agitators who go round looking for trouble and are not pleased unless they find it. If these people were not engaged in fighting for access to mountains they would still find some other mischief for their idle fingers to do."

This outburst made an already sour relationship deteriorate further, and several rambling leaders attacked the Duke's opinions violently. Of them the most redoubtable was Edwin Royce,

(1) Other examples have already been referred to in Chapter Three.
(2) 22nd March 1930 p. 417. (Also see a letter written by the Duke to The Times, 14th May 1924, in which he attacked the Access Bill brought forward by Mr. Thompson.)
President of the Manchester Federation. He published a (1) rejoinder in its 1931 handbook full of wit and fact and which concluded with some well-turned irony. "On the one side the sportsmen, handicapped by wealth and unlimited influence, and the disadvantageous assurance of being the right people, with the law always on their side, and on the other side, the fearsome Ramblers' Federations, showing a shocking disregard for the convention that truth is too sacred for everyday use! But enough; the pulling of ducal legs is one of the things that (2) must never - or hardly ever - be done".

A close reading of these two articles certainly encourages the conclusion that, just as earlier the advertisement by Watts' solicitors had been a 'faux pas' on the part of the sporting interests, so also were the Duke of Athol's strictures. Both in his condescending and arrogant tone and in the apparent inaccuracy of many of his facts, he created the unfortunate impression of reactionary and overweening privilege - Royce had commented that "the Duke is clearly on the side of the oldest of old oligarchs, a fitting champion to lead the forces of (3) reaction...". Although it is not possible to claim that this controversy alone gave the access campaign a more militant outlook it certainly encouraged a growing truculence. Its affect on public opinion was probably quite small because of the nature of the journals in which it had been conducted, but to the supporters of access it gave a long clear sight of their enemy's colours. For example the Manchester Guardian, in commenting on the 1930 Winnats demonstration, said "Nobody

(1) pp. 18-21.
(2) Ibid. p. 21.
(3) Ibid.
(4) 30th June 1930.
now is against the Access to the Mountains Bill except
people who misunderstand it and the vested interests. With
the former you can reason; the latter must ultimately be
pushed aside in the general interest."

It was at this point that one of the campaign's most
vociferous champions joined it. Professor Joad had made the
first of several appearances at the Winnats Pass in 1932, in
the wake of the Kinder mass trespass, and the year previous
his book *The Horrors of the Countryside* had appeared in which,
although it was primarily a condemnation of the desecration
of the rural landscape, he had made a pungent attack on the
opponents of access. In 1931 he also published an article
in *The Spectator* entitled *A Charter for Ramblers* in which he
advocated pursuing three complementary political aims - Access
to Mountains, Rights of Way and National Park legislation -
and criticised not just the sporting interests but society as
a whole for allowing them to maintain their privileged position.
"Our civilisation thinks it more important that rich men should
have unhampered opportunities for the slaughter of birds, than
that its citizens should be given access to their heritage of
natural loveliness."

This article Joad subsequently expanded into a book with
the same title, which appeared in 1934, and in the same year
Phil Barnes published *Trespassers will be Prosecuted*. These

(1) The review of this book published in the *COSFPS Journal* is
interesting to read. It attacked Joad for his blatant
advocacy of 'direct action', and for "considering walking
along footpaths a mug's game and trespassing across country,
whether over crops or otherwise, the only satisfactory way
of seeing nature". (Vol. II No. 3 p. 96)

(2) 26th May, pp. 109-111.

(3) Barnes was another doyen of the rambling fraternity in the
Peak. He was a self-styled communist, although curiously
was a paid official of the CPRE, working for many years
with the Sheffield branch of the Council. (See Byne &
are still regarded as the two great polemical works of the access struggle, complementary to each other in that they attacked the denial of public access in contrasting ways.

While Barnes set out to publicise to a wider audience the exact nature of the situation in the Peak District, Joad turned his attention more to the political and social underpinnings of the controversy. Barnes described and commented on the damaging affects that grouse-shooting and water catchment had upon free access, and put forward evidence to contradict the claims of the opposition. He pointed out, for example, that some of the best shooting was to be found alongside the few remaining public rights of way across the moors, and that public houses and motor roads alongside the reservoirs were far more dangerous than a few people tramping over gathering grounds miles distant.

All this he supplemented with photographs taken by himself while trespassing over the forbidden areas. The conclusion he reached was that the interest of both sides could only be met satisfactorily through the passing of an effective Access to Mountains Bill.

Professor Joad argued for sweeping changes in both the law and political attitudes so as to guarantee a number of basic rights to the outdoor enthusiast. These he listed as the right of health and strength of body and mind, the freedom to develop his capabilities to their fullest and the enjoyment of an unspoilt countryside. As far as the moors and mountains were concerned Joad reasoned that the landowners' argument that access would damage the 'value' of their estates was false.

(2) Op. cit., p. 7. See also a letter in the Manchester Guardian commenting on the fact that Manchester Corporation was building a new inn at Mardale, near Haweswater Reservoir. (15th October 1934). Fred Heardman mentioned that on some of the gathering grounds that were also used for grouse-shooting there was even a practice of using poisoned eggs to kill off predators such as gulls.
(3) 'A Charter for Ramblers,' p. 19.
because from the outset such land had virtually no agricultural (1) importance, and game-shooting was a mere social fad. Therefore the only assets they would lose were pride of ownership and the solitude bought by wealth. If one then considered how it was that many of these large estates had been acquired in the first place - by expropriation and theft - he argued that it was clear that the prevention of free public access was both inequitable (2) and untenable. The crucial point was, as he saw it, that in matters affecting the countryside more so than in any other field the habits of the law lagged far behind the movement of (3) public opinion. He thereby reached the conclusion that prompt government action to secure the legislation for his 'ramblers' charter' was urgently needed.

Such arguments gave an intellectual respectability to the demands of the militants which they had not been able to find through trespass, damage or prison sentences, and the moderate wing of the movement adopted an increasingly defensive posture. This is clearly shown in the growing disenchantment with the radicals exhibited by the Manchester Guardian. It published a long leader just after the appearance of Joad's book in which it distinguished between the new aggressive school typified by Joad and Barnes and the older, more moderate, one which had sought accommodation with the landowners. It went on to argue that the leaders of neither school could claim to speak for, or bind, ramblers in a collective sense and that the views of the individual were still of paramount importance. The militants'

(4) 4th April 1934.
cause it inferred was sustained by a few strong-willed people who wished to polarise the question into a simple clash of "rights of ramblers" versus "rights of property". This position was a sterile one if only because it simply would not produce the results desired. "Claims breed counterclaims. Mr. Joad may contend that walking is morally superior to shooting grouse but his opponents can fairly argue that his wish is father to his principles. The same may be true of their own position; they believe in the rights of property because they have some. But they have the law on their side and there seems no early prospect that parliament will be persuaded that the country is being 'run' in the interests of the wrong people." A similar comment followed the 1935 Winnats rally, at which Joad had spoken of the need for further militancy and had attacked the 'soft-centred' attitude of bodies such as the CPFRE ("too anxious to stand well with all the important interests concerned") and the National Trust ("a compromising body, anxious not to offend anybody"). "How many concessions," the paper asked, "have been wrung from hard-faced landowners by ramblers' 'standing up for their rights'?"

To defend what was rightfully theirs already was one thing, but militancy in face of entrenched interests in order to force new rights was altogether different.

The weakness of such counter-arguments was that they still assumed the fight for access had to be a passive one - seeking what was already the public's, but not trying to extend it in any way. This attitude was precisely what Joad and others were anxious to discredit. In their view the urge to secure 'new' rights was nothing of the sort but simply an attempt to regain

(1) 1st July 1935.
old ones, which had been taken away arbitrarily in the first (1) place and were now being unfairly withheld. If this view was accepted then it could be appreciated why the militants considered compromise out of the question. Despite the obvious difficulties in fighting entrenched interests it was not possible to negotiate on what was theirs in any case. Ironically they could point to the "pugnacious old Whig lawyers" of the Commons Preservation Society as earlier champions who had won their great victories by adopting exactly the same attitude.

(b) The mass trespasses.

The years between 1930 and 1934 were also characterised by direct action on the part of the more aggressive ramblers, in the form of mass trespasses over private grouse moors. The idea of such demonstrations by walkers in order to establish publicly what they considered as their legal rights was not new, although in the past they had been confined to the preservation of

(1) See Barnes’ book. “During the first fifty years of the last century many of the Peakland moors, which had previously been waste land, were parcellled out under various Enclosure Awards. Public opinion in those days was comparatively unorganised and, despite a certain amount of opposition, many of the trackways and bridle-ways used from time immemorial by the country folk and packhouse traffic were omitted from the Award Maps as public ways. It should be remembered that by far the largest shares on allotting the land were awarded to the Lord of the Manor and to the principal freeholders and the tenant farmers and cottagers, who suffered most by the closing of these tracks, dared not assert their rights against the new comers. In consequence, many direct moorland routes between the principal valleys are to-day forbidden to the farmer and native as well as to the rambler”, (p. 20).

(2) Much of the material used in writing this section was made available by Mr. Bob Toner, the Producer of the BBC Television programme on the Kinder trespass (see foot-note(1) on page 183). I was allowed complete freedom to use the research files prepared by his staff, and I would like to record my appreciation of Mr. Toner’s help and express my gratitude to the BBC for allowing me to use this material. In addition I was able to interview Mr. Bernard Rothman, one of the leaders of the trespass, and also make use of a transcript of his account of the events prepared for Granada Television. For obvious reasons I have treated this evidence with some circumspection, although I have no call to doubt its veracity.
disputed rights of way, as in the "Doctor's Gate" quarrel. Even in these circumstances the protesters were often met by fierce dogs, clubs and the brandishing of shotguns. The notion of actually invading the moors was, however, an original tactic and the first such trespass was that over Kinder on Sunday, 24th April 1932.

The plans for this were made by local officials of the British Workers' Sports Federation, a satellite body of the Communist Party. The BWSF had already apparently used the confrontation technique successfully in the south in its attempts to secure better facilities for the working class to play sport, reasoning that while the authorities could deal with individuals they could not so easily ignore large numbers working in concert. Many Young Communist League members had joined the Federation's rambling section in Manchester and they naturally saw the whole access question in terms of open class warfare.

The idea of forcing access to the forbidden Kinder plateau was first put forward some weeks earlier, as the result of a clash between some of these ramblers and local keepers at the village of Rowarth. During the preceding fortnight Young

(1) This footpath ran between Glossop and Woodlands, crossing a grouse moor. From 1906 until well after the First World War there were a series of disputes between the different owners of the moor and the local footpaths societies and rambling clubs, and it was not until 1928 that the public's right to use the path was finally established beyond all dispute. (For an account of this matter see the 75th Annual Report of the Peak District and Northern Counties Footpath Preservation Society (now known as the Peak and Northern Footpath Society), 1968, pp. 6-7).

(2) See transcript prepared by Rothman for Granada Television, "prior to the Mass Trespass we had organised a camp for young people in Rowarth, a village close by, in fact the idea of a mass trespass arose from an incident which took place when some of our young people went out for a ramble over the hills and were turned back by Gamekeepers and who came back smarting and who were very indignant. It was decided to organise a mass trespass over Kinder Scout."
Communist "shock troops" distributed hand-produced leaflets and chalked messages on the pavements in all the popular rambling haunts to draw attention to the demonstration. Ten days prior a meeting of interested bodies was held in Manchester. Besides the British Workers' Sports Federation there were delegates present from the Ramblers' Rights Movement (a younger and more militant breakaway group from the BWSF), the Phantom Crusaders and several rambling groups composed of unemployed youths from both Manchester and Sheffield. Naturally the intentions of the BWSF were by then public knowledge, as it had intended them to be. This was clearly shown on 18th April when a news item appeared in the Manchester Evening News that began: CLAIMS TO FREE ACCESS; Campaign to force landowners; Call to Rally; Sunday's attack on Kinder. Tired of unproductive protests and pleas, working class rambling clubs in Lancashire have decided upon direct action to enforce their claims for access to beauty spots in the countryside." The next day according to Rothman the story received attention from all the northern papers, under such headlines as "Mass trespass over Kinder", "Assault by rambling shock troops" and others similar. By this time it had become clear that the venture was more than an idle threat and the National Council of Rambling Federations was "thoroughly scared" in Rothman's words, instructing its constituent bodies to discourage their members from joining the trespass.

(1) The name implied that its members fought for public access in a cloak-and-dagger manner, but Rothman insisted that they did not exist. According to him the name was conjured up by a practical joker who publicised "their intentions" as an elaborate hoax. This information was apparently given him by a reporter on the Manchester Evening News who dealt with the hoaxter.

(2) The item was given to the paper by Rothman himself.
The "plans" were for the demonstrators to gather at the recreation ground in Hayfield around 1 p.m. From there, after listening to various speeches, it was intended that they should move off along the public right of way known as Williams Clough until just beyond Kinder reservoir, where they would then strike off in an easterly direction over the moors towards the top of Kinder Scout. In order to achieve their aim against the opposition they expected it was decided to form three spearheads, the centre one to meet it head on while the two outer ones tried to outflank it.

With so much warning the authorities had taken steps to mobilise a large force of police (Ewen McColl estimated that a third of the whole Derbyshire force was called in), supplemented by gamekeepers, water bailiffs off the adjacent gathering grounds and local villagers. An interim injunction was also sought against Rothman to prevent him from speaking at the opening meeting and police were waiting at both Manchester and Hayfield railway stations to intercept him. However Rothman knew nothing of this and chose to cycle to Hayfield, so avoiding them. At

Again according to Rothman the whole thing was very loosely thought-out. "I must confess that our organisation was very optimistic, we had made no arrangements what-so-ever, we didn't know which way we were going to go - the site that we had chosen for our meeting was most unsuitable, but with the optimism of youth we went along with every intention of doing this." Two small examples of their unpreparedness may be quoted. First of all they did not appreciate that local bye-laws would prevent them holding a political rally at the recreation ground, and also it was not until Rothman looked the arena over a few days earlier that he realised its configuration - in a hollow, with iron railings all round, it would mean that the police could effectively pin them in.

According to the Daily Herald on the day after, these totalled "a dozen gamekeepers reinforced by 50 villagers" (25th April 1932). The demonstrators alleged that many of them were "fortified" with free liquor. The keeper injured in the melee was reputed to have been so drunk that he couldn't stand up.
Hayfield the organisers realised that the numbers assembling (around 800) made the whole thing much bigger than they had foreseen, and therefore the meeting was adjourned to an abandoned quarry nearby where they spoke to the crowd about the purpose of the trespass and the tactics they were to adopt. Then the walkers moved off along Williams Clough, with Rothman 'lost' in the middle of them to prevent the police attempting to snatch him. Actually as long as they continued along this path the authorities were powerless, and it appeared that their plans were to take no action until the main body of trespassers were approaching the top of the plateau.

Here they were met by a line of police and keepers strung across the moor, and from that point on the sequence of events is difficult to establish, for both sides gave widely-differing versions of what happened. According to McColl the ramblers were taken by surprise by the fury of the counter-attack and for the rest of the day throughout the district the police and even local residents took the opportunity to attack any rambler they met, whether a trespasser or not. To avoid these assaults walkers even took to hiding in the culverts under roads. Another of the ramblers, David Nassbaum (later Nesbit) claimed on the other hand that when arrested "the police treated them with respect and that there was no violence". Newspaper reports the day after also varied. The account in the Yorkshire Telegraph and Star indicated that the first blows were struck by gamekeepers trying to force back a small group of ramblers, and that from then on the trespassers "swarmed" over them.

(1) Quoted from transcript of interview of BBC.
(2) 28th April 1932.
The Manchester Guardian had its own correspondent amongst the leading party, and his account of the scuffle was less conclusive. "There followed a very brief parley, after which a fight started - nobody quite knew how. It was not an even struggle. There were only eight keepers, while from first to last forty or more ramblers took part in the scuffle. The keepers had sticks, while the ramblers fought mostly with their hands, though two keepers were disarmed and their sticks turned against them. Other ramblers took belts off and used them while one spectator at least was hit by a stone". He went on "after the fight the police chiefs, who had accompanied the mass trespassers, left them alone, to the great though premature relief. The Daily Herald's account described how "a dozen gamekeepers held up their sticks, but were quickly pushed out of the way. Blows were exchanged and exhibitions of all-in wrestling were numerous." After a period of confusion the main body of the trespassers, about 200 strong, marched back towards Hayfield from the moor. As they entered the village they were met by a police inspector who suggested that they formed up into ranks and then led them into the main street. "It was their last happy moment. When they got properly into the village they were halted by the police. Still they suspected no ill, and it was not until police officers, accompanied by a keeper, began to walk through their ranks that they realised they had been caught." By the end of the

(1) 25th April, p.9. (The photographs taken during the confrontation certainly did not indicate any excessive violence. One picture which showed the injured keeper receiving attention has a group of ramblers standing behind him chatting amongst themselves hands in pockets. Another depicts what appears to be a jostling rather than a fighting crowd.)

(2) 25th April.

(3) From the Manchester Guardian report.
day six arrests had been made. A youth named Thomas Anderson
had been apprehended on Kinder in one of the melees and was
subsequently charged with assaulting and injuring a keeper by
the name of Beaver (or Beever), while Rothman, Mendle, Nassbaum,
Clyne and Gillett were arrested in Hayfield. They were all
taken to the local lock-up but because other ramblers kept
beating on the door and threatening to attack the police station
they were later transferred to New Mills, where they appeared
in front of the magistrates the next day, charged with criminal
offences such as assault and resisting arrest. From there they
were sent for trial to the Derby assizes. After several
adjournments the trial took place on 6th and 7th July.

(1) None of the others arrested even knew Anderson, and they all
felt that he had taken no part in the assault on the keeper.
He appears to have been rather a mysterious figure, for
according to Rothman he was a local village youth and when
first arrested seemed to be hostile to aims of the tres-
passers. As events proceeded he eventually identified
himself with the others, and took his punishment quite calmly.

(2) Rothman felt that there were anti-Semitic overtones to the
whole affair. He pointed out that four of those arrested
at random were of obvious Jewish appearance (i.e. himself,
Mendle, Nassbaum, and Clyne), and also that the trial judge,
Justice Atkinson, made a series of anti-Semitic remarks
during the proceedings. Apart from himself none of those
arrested were amongst the leaders of the trespass, and
Tony Gillett was apparently selected by the police simply
because he happened to be the tallest man in the crowd.
As it transpired his arrest proved to be rather embarrassing
for the authorities. His family were devout Quakers and
strong Liberals, his father being a director of Barclays
Bank and he a student at Manchester University. During the
trial the judge berated Gillett for being associated
with the others and letting down his family, but his fellow-
accused admired him for refusing the numerous opportunities
offered to separate from them and receive a lighter sentence.
He appeared to have been proud to be in their company. In a
letter to his father on the 18th May he commented "I do not
agree with the Quaker ideas of what is right or wrong. It
by no means belittles the cause (i.e. to tell lies) as
every communist when put in the dock knows that the police
tell as many lies as are convenient against him and he
does the same back. They have already told sufficient
lies about us." He later went out to fight in the Spanish
Civil War.

(3) The BWSF held a protest meeting at Hayfield just before
the trial began, on 1st July (See Manchester Guardian
2nd July.)
Anderson who was found guilty of assaulting the gamekeeper, was given a six months prison sentence. Rothman received four months, Massbaum three and Clyne and Gillett both two. Mendle was found not guilty.

The militants had found their martyrs and there was a bitter outcry against these "savage" sentences. The 1932 Winnats Pass rally, at which Joad and Philip Oliver were to speak, was held just a fortnight before the trial, and the emotions aroused by its imminence also erupted at this gathering, to which over 8,000 people came. A breakaway group gathered round the communist banner of the BWSP, interrupting the traditional community singing with the Red Flag and the Internationale and shouting down the speakers. It was plain that the militants felt strongly that the rambling 'establishment' had let them down, but it was also interesting that their objections were not received sympathetically by the majority of those present.

Having thus failed to win over the general body of rambling folk to their cause the BWSP held its own rally after the trial at Jacob's Ladder on 17th July to protest against the sentences, while the Ramblers' Rights Movement broke away from its parent body and set out upon a more militant course. At the 1933 Winnats rally, held in the Peak Pavilion at Castleton because of bad weather, it was agreed that Mr. Reville, the President of the British Workers' Sports Federation, should be 'invited' to

(1) See report in Manchester Guardian 27th June 1932. "Not liking one of the songs selected they began a counter-display of vocalism of their own, but the rambler demonstrators presently combined to sing the counter-demonstrators down. One of their leaders asked permission to use the microphone at the end of the meeting but was refused. The party then attempted to hold a meeting of their own, but were only treated with noisy derision by some of the younger folk in the crowd."

present the militants' case after the main speeches by Professor Joad and Dr. Baker. Yet again his arguments were given an unsympathetic hearing by the majority of those present. (1)

The Kinder fracas was not by any means the end of such direct action. According to McColl's evidence a series of guerilla raids of the moors took place during that summer. Every six weeks or so small parties of BWSF and RRM members would make lightning invasions of Kinder and Bleaklow, pulling down trespass boards and shooting butts and burning them. By making good use of the gullies and cloughs they were able to avoid clashing with the keepers. (2)

Quite apart from these attacks there were other more organised mass excursions onto the moors, as well as a number of false alarms which were even more frustrating for the authorities. On 4th September for example there was a rumour of a mass invasion of Froggat Edge, and a strong force of police and keepers spent an idle day waiting for the threatened onslaught. A fortnight later, on the 18th, 200 to 300 members of the Ramblers' Rights Movement did in fact trespass on Broomhead Moors to re-establish a disputed right of way known as the 'Duke of Norfolk's Road', and were repulsed by a strong force of keepers and police. The Sheffield branch of the Movement attempted to hold a meeting at Burbage Bridge, near Grindleford, on 16th October to protest about this action, and 200 or so militants turned up only for the police to break up the gathering. (3)

(2) This statement was made in the BBC transcript and checked further in correspondence. No other evidence can be quoted, although this is understandable in light of the secrecy of the raids. Presumably neither the landowners nor the ramblers wished to publicise such attacks.
(3) Manchester Guardian. 6th September 1932.
(5) Op. cit. 17th October 1932. (According to McColl's evidence this was done with some unnecessary force, and the police particularly antagonised the ramblers by bringing wolf-hounds with them.)
(c) The reaction of the moderates.

These events of mid-1932 brought the conflict between the opposing factions within the rambling body to a head and placed the official leadership in an awkward position. It was difficult to criticise the general intentions of the mass trespassers (i.e., of gaining wider access to the moors) or to decry their courage and enthusiasm. Yet it was not politic, bearing in mind public opinion and the feelings of their more "traditional" allies, to sympathise too openly with the breaking of the law or the wilful destruction of property. At the time the Kinder trespass took place the leadership adopted the line that while not condoning the actions, of the militants neither did it accept the 'justice' meted out to those arrested. Their argument was that such brutal treatment on flimsy evidence only made the law-abiding rambler appear to be an unwilling supporter of the "establishment's" interests. The Sheffield Clarion handbook commented for example "There may be other ways of procedure and tactics, but the punishment on this occasion did not fit the crime, and brought sympathy to the punished." (1)

Sir Lawrence Chubb was one who was aghast at the actions of the militants. Writing to George Mitchell (the President of the National Council) the day after the Kinder trespass he stated "It seems to have been a peculiarly stupid and mischievous business", and felt that those arrested should rightly face the consequences of their foolhardiness. (2)

(1) Clarion handbook 1933-4 p. 185.
(2) Correspondence with Ramblers' Association.
Others such as Harold Wild and Fred Heardman were also repelled by their tactics and the damage they were doing to the wider rambling cause. They dismissed most of those arrested as "bad types" and did not accept that they were true ramblers at all. (Heardman claimed that they were not known either before or after the event, although Rothman insisted that he had been a keen rambler for a number of years earlier). Other people spoken to seemed to have a more equivocal attitude however. Their view was that it was all very well condemning the excesses of the extremists yet even their critics had not found any more effective way of winning the struggle.

Despite arousing antagonism and criticism it is only fair to point out that the actions of the militant did stir up some response. Alarmed by this new turn of events, Chubb worked during the autumn of 1932 to convene a conference of all interested parties to discuss the whole question of wider public access, and this eventually took place at the offices of the Commons Preservation Society on 30th January 1933. Representatives of the landowners' bodies met with those from the National Council of Rambling Federations and the COSFPS, and both Ward and Royce were present to speak on the problems in the Peak District. After an unminuted discussion two

(1) It is interesting to note that forty-odd years after these events feelings are still quite strong. Wild wrote to Tom Stephenson when he learnt that the BBC had approached him for assistance in preparing the Kinder programme, advising him to have nothing to do with it. He expressed the opinion that the trespassers had put the access cause "back twenty years". (Correspondence with RA).

(2) See report (not minutes) of meeting, with Ramblers' Association.
resolutions were passed unanimously, both of which firmly committed the access bodies to pursuing piecemeal solutions by negotiation - the approach to the problem already dismissed by the militants.

Acting within the spirit of these resolutions another meeting was held in Sheffield on 29th January 1934, to discuss the specific problem of access in the Peak. Officials of the local Ramblers' Federations and of the Peak District and Northern Counties Footpaths Preservation Society, together with Mr. Ramsbottom, Secretary of the Derbyshire Rural Community Council, met with the agents of the Duke of Devonshire (whose Chatsworth estates took in much of the Peak), the Derwent Water Board and the Sheffield Corporation Waterworks. Unfortunately little progress was made and the initiative declined into a series of desultory exchanges between the Duke's agents and Mr. Ramsbottom.

(1) These two resolutions were:
(a) That this Conference is satisfied that a demand for increased facilities of public access to rural areas is growing, and records its opinion (a) that many landowners are prepared to grant such additional and reasonable facilities as can be afforded without causing unemployment and loss of rates or undue sacrifice of income or depreciation of the value of their property, and (b) that the Commons, Open Spaces and Footpaths Preservation Society and the National Council of Rambling Federations and their constituent members are prepared to use every means in their power to ensure that any concessions which may be granted shall not be abused.
(b) That this Conference recommends its constituent members to promote negotiations between the local organisations of the Central Landowners' Association and Land Agents' Society and the National Council of Rambling Federations and the COSFPS with the object of entering into and giving effect to such arrangements as may be agreed for the use of ramblers of increased facilities of access to the countryside.

(Although it is not possible to trace any comment by Joad, it is an interesting speculation to imagine what his reaction was to these resolutions. The opinion expressed by the CPRE about the conference was perhaps indicative: "The Conference was in every way satisfactory; both sides proved amenable to reason and desirous of appreciating the other's point of view". (CPRE Monthly Reports Vol. 1 No.5 March 1933 pp. 10-11).
It was not until late 1937, by which time much else had happened, that any progress was made. By that May the Community Council had succeeded in reaching outline agreement for some small amount of access to the Chatsworth Estates which involved the granting of permits to bona-fide organisation during a limited part of each year (i.e. it did not apply to individual walkers), and they were finally agreed by all the parties concerned and announced publicly in October. As they stood, these 'concessions' seemed hardly worth the effort. In fact on 16th October Royce wrote to Mitchell, by then Secretary of the Ramblers' Association, about the negotiations, and said quite bluntly that the Executive of the Manchester Federation "did not regard them as concessions." Just as the 1933 London conference had apparently trapped the moderates into accepting pious and unspecific resolutions rather than any definite action, so the Sheffield meeting seemed to indicate that they could never hope to win any success as long as the landowners and their allies, particularly Sir Lawrence Chubb, manipulated the framework within which the struggle took place. In short, each attempt to demonstrate the efficacy of their approach only provided the radicals with more evidence with which to condemn them.

Between 1934 and 1936 there were at least three other attempts to secure or preserve access to moors by negotiation. In one of these, the West Riding Federation was involved in resisting the threatened closure of Roebald's Moor by its tenant, who attempted to use a Ministry of Agriculture Order imposing

(1) See article and leader in Manchester Guardian 9th October 1937, and op. cit., 11th October for R.A.'s acceptance of terms. Also Footpath Day, 18th October.
(2) Correspondence with Ramblers' Association.
limitations and conditions upon the rights of the public in order to circumvent Section 193 of the 1925 Law of Property Act (the moor was a common). He wished to close the area to the public for the five months of the year which covered the nesting and shooting seasons, but under pressure from the Federation and the local Rural District Council an enquiry was held on 19th September 1934. As a result of this the Ministry subsequently agreed to reduce the period of closure by one month, to four.

The other negotiations involved access to water gathering grounds. The 1934 Winnats demonstration had had as one of its themes a demand for wider access to the municipally-owned moors under the control of Manchester, Sheffield, Chesterfield and Stockport, most of which were catchment grounds for their water undertakings. Manchester and Stockport refused point-blank to discuss any wider access but there was a happier

(1) See The Footpath Way, Manchester Guardian 7th May 1934, 16th and 30th July 1934. Also Access to Mountains in 1936 by E Royce, Manchester Federation handbook, 1936 pp. 52-53.
(2) Manchester Guardian, 26th June 1934.
(3) See Barnes, Trespassers will be prosecuted, pp. 5-6.

"Since the war a very large area of moorland in this district has come into the possession of the public. Not, however, for the purpose of public enjoyment through unrestricted access but with the object of ensuring the purity of water draining into reservoirs on all sides. Few people realise the extent of this publicly-owned land. There are approximately 39,000 acres, of which about 28,000 acres are moorland, in the control of public or semi-public bodies." (This total included: Manchester, 12,000; Sheffield, 2,400; Chesterfield 4,050 and Stockport, 5,230, as well as Forestry Commission land.) "None of these areas are any more accessible now than when they were in private ownership".

See also parliamentary question asked by Geoffrey Mander on 28th October 1937 (328 HC Deb. 5s 248).
result in the decision of Sheffield City Council to grant more (1) access to Burbage and Houndwick Moors. This area had been taken over by the Water Committee (who had already stopped the breeding and shooting of grouse there) and it indicated that at least one authority considered water catchment and public access compatible. Further efforts were made by both Manchester and Sheffield Federations in November 1936, to gain access to the Derwent Valley Moors, although there was apparently no definite outcome to these negotiations.


In the period between 1935 and 1939 the access campaign lost much of its elan. After the alarms and excursions of previous years, these were ones of comparative decline. Radical groups such as the Ramblers' Rights Movement had disappeared from the scene and the leadership of the campaign drifted back into the hands of the 'old guard'. The Report of the Access Sub-Committee of the Ramblers' Association for 1936 commented that "the year has been practically blank as far as our object is concerned", and that "the movement is receiving indifferent (3) support from ramblers". This decline could be seen quite literally at the Winnats Pass demonstrations; in both 1936 and 1937 the estimated attendances were around 2,000, and even the flurry of interest over the Access Bill in 1938 only lifted the total to about 5,000.

(4) Figures taken from the Manchester Guardian reports.
One of the reasons for this moribund state was the general falling-off of popular interest in rambling and the disappearance of the more vociferous elements along with it. The improving economic situation possibly had something to do with this, but more particularly I think it was a reaction by many younger enthusiasts against their older and staidor leaders—a manifestation of what is now called the "generation gap". These leaders gave the unfortunate impression that they were much happier dealing with the "traditional" rambler and had never quite adjusted, despite their protestations to the contrary, to the youthful support which had burgeoned in the early 1930s. They had certainly been increasingly critical of their young followers' alleged 'goings-on' (a euphenism which covered a multitude of supposed sins ranging from noise and litter to immodesty and immorality) and frustrated by their rather naive and aggressive attitudes.

Whether they had ever really wanted to adjust to this sudden enthusiasm is a difficult question to answer. Undoubtedly there were those like Wild and Heardman who were very conscious of the damage that the "new" ramblers were doing to their own position and wanted no truck with them, but the impression is that others such as Ward and Royce were more sympathetic, and lacked rather the talent to catalyse the different elements within the movement they led. It was clear to them that what they were striving for could only be achieved by a combination of local advance by negotiation in the short term and later a parliamentary measure which would assure access on a national basis. As much as the militancy of a minority of the newcomers was a natural reaction to the frustrations they encountered, it was not the way to reach these ultimate goals. The rambling leaders therefore fell between two stools. The fact that there was later evidence that some of them became increasingly
disillusioned about the likelihood of success within the confines of their policy is perhaps a small though significant indication that they began to realise too late the strength of the support which had been lost. Another reason for the campaign losing steam was that as the chances of the Access to the Mountains Bill being passed grew during 1937-39, so the more immediate local issues were pushed aside by the national campaign, to which people such as Royce and Morton devoted more and more of their time. In the years after 1936 therefore supporters of access in places such as the Peak District grew increasingly defensive in their outlook.

The sporting interests in particular appeared to be as firmly entrenched as ever. In August 1936 the Ministry of Health bolstered their case when it saw fit to issue a statement which elaborated upon the contribution the sporting fraternity made to local finances. In earlier years this would certainly have provoked an outcry from ramblers but instead it was met with almost weary resignation. LB Morris commented in the Rambling magazine "Is it not time that walkers, campers and country-lovers generally should cast off the resigned attitude which all but a daring few of them have shown towards this very stupid and very selfish sport", and as late as 1939 Edwin Royce was still fulminating bitterly against the Game Laws and the privileged few who sheltered behind them. Indeed, it seemed that the sporting lobby had emerged at the end of twenty years of struggle to all intents unscathed.

(1) See page 334 below.
(2) Game and the walker, Rambling No. 7 October 1936 pp. 7-8.
Attempts to open up the large expanses of water-gathering grounds had met with a little more success, as has been shown already, but many areas were still barred to the walker. Efforts were made in early 1936 to tackle this problem on a national basis when a meeting was held between representatives of the British Waterworks Association and the Council for the Preservation of Rural England on 15th April. The scope of these discussions was broadened at a second meeting on 19th June to include delegates from the Ramblers' Association, the Youth Hostels Association and the Commons Preservation Society. Their purpose was to ensure that the rights of the public to walk over gathering grounds in areas such as the Peak, Snowdonia and the Lake District were protected and where possible extended. However, the negotiations seemed to go the way of all others and little came from them except pious assurances, one side insisting that wider access might be granted if only the purity of water supplies were not endangered and the other protesting that no responsible outdoor enthusiast would be guilty of any wanton acts. The difficulty was that the water undertakings had a much stronger case for the limitation of access than did the sporting landowners, as they had both a legal and moral responsibility to ensure an uncontaminated water supply. The point really at issue was whether this was compatible with public access, and the water authorities complained bitterly of the deterioration in behaviour and attitudes which they insisted put their supplies 

(1) See The Times, 16th April 1935.
at risk. It became clear after the second meeting that they were not willing to make any accommodation and again the ramblers uncharacteristically accepted that for the time being there was little to be done to change this. This can be indicated by quoting from correspondence which passed between their officials after the meeting. Spence wrote to Mitchell "I sincerely trust that the whole matter will now be dropped by the CPRE, I cannot at the moment think that there is any advantage in anybody ramming their heads against the stone wall presented by the Water Works engineers", and Leonard wrote to Spence in a similar vein: "They hadn't it in them to realise the strong human appeal that exists on our side. Yet theoretically they had a very strong case and our only way I think is to lie quiet and watch what they are going to do".

It would be false to leave the impression that the last years of the access campaign were ones of unrelieved defeat. A new and interesting development was the attention given to the problem by the BBC. Apart from smaller contributions in regional programmes it is possible to trace at least two radio broadcasts on the National Programme which were devoted to access. The first was on 7th October 1939 when a discussion was held between representatives of the opposingsides under the title The Freedom of the Moors, and a similar format was followed.

(1) This was echoed in the memorandum submitted to the Ministry of Health by the British Waterworks Association concerning the Access to the Mountains Bill (Official Circular No. 21, April 1939).

(2) From correspondence with Ramblers' Association, Spence to Mitchell dated 22nd June 1939; Leonard to Spence, dated 25th June.

(3) The first of these appears to have been an item in a Welsh Region broadcast in 1934, although the BBC are not able to confirm this.
on 25th September 1937 when the programme was called Should Trespassers be Prosecuted? Efforts were also made to encourage other Federations to mount demonstrations of support. After the 1936 Winnats rally an 'ad hoc' joint committee from the Manchester and Sheffield Federations was established to seek to extend and co-ordinate public rallies by other bodies, particularly those in Liverpool, the West Riding and North Staffordshire, and some limited results were obtained.

Nonetheless it is an indication of its loss of vitality that such inconclusive conferences and ineffectual demonstrations have to be taken as indices of the campaign's achievements in the last years before the war. Certainly from mid-1938 onwards it is necessary to turn for any more detailed study of public access to the open countryside to the negotiation surrounding the Bill presented by Mr. Creecb-Jones, and it is at this point that one must now examine the history of the Access to Mountains legislation between 1919 and 1939, and indeed from the presentation of the first such Act in 1884.

(1) See Twenty-five milestones towards access, by R Howarth, in jubilee publication of the Manchester Federation, 1948, p. 23. A combined rally was subsequently held at Ashurst Beacon, near Wigan, on 13th September 1936.
The history of the Access to Mountains Bill stretches across a period of 50 years. Looking back from the enactment of Creech-Jones’ Private Member’s measure in 1939 one can trace it into the nineteenth century, when in 1884 a Bill with this title was first laid in front of parliament. During this time the Access Bill came before parliament in two different forms, one relating only to Scotland and the other to the whole country. The first applied to Scotland, and similar ones to this appeared six other times before 1919. The more general Bill was presented twice prior to 1919 and nine times between then and 1939. Before 1919 one Second Reading debate and vote was held (in 1903), although there was also an earlier debate on the principle of the measure in 1892, which the House approved.

Although minute changes in the wording of the Bill were made over the years its provisions remained unaltered. It was a very brief measure running to four or five clauses, which simply granted the right of access to all uncultivated mountains and moorlands for the purposes of recreation and artistic or scientific study. As long as damage was not committed no action for alleged trespass on such land could succeed. Obviously certain limitations were imposed which protected the flora and fauna, prevented damage to crops and disturbance to farm animals, forbade the carrying of weapons, the depositing of litter and the lighting of fires. The Bill also allowed exclusion to remain for those areas from which the public could be lawfully excluded before the Act took effect, in particular the grounds of any dwelling house.
Being drafted as a Private Member's Bill it was not possible to include any financial provision, but as it did not concern itself with land of proven economic worth and did not entitle people to remove anything from its surface or damage it in any way the framers of the Bill were confident that claims for compensation could not be substantiated. It was this question of whether access to uncultivated uplands would bring economic hardship to their owners which lay at the bottom of the bitter controversies with the grouse- and game-shooting fraternity over the Bill. Its supporters were insistent that legally-supervised access held no risk of disturbance to game while the landowners were equally adamant that it would devastate an important economic activity, with the consequent loss of jobs and rents. The water undertakings were also worried that wider access would increase the risk of polluted drinking water, and involve them in paying compensation on grounds of negligence. (1) In essence, therefore, the Access to Mountains Bill was seeking to gain a clearly-defined and simple alteration in the public's relationship to the open countryside. Its implications, however, were quite radical as far as the owners' control of such land went, and for this reason it was probably one of the most difficult and controversial Private Member's Bills to come before parliament in the inter-war period.

(1) Natural filtration was the principal means of purification at this time in many inland areas.
Although the title of this thesis strictly limits the period being considered, in respect of the Access to Mountains Bill it is difficult to consider the events after 1919 without first looking, as briefly as one is able at the Bill's earlier history. For the same reason one must pay heed to the Scottish measures presented up to 1909 although the work in general is confined to England and Wales.

The first Bill was laid before the House of Commons on (1) October 29th 1884 by Mr. James Bryce, the Member for South Aberdeen, and proceeded as far as its Second Reading although no debate took place. It related only to Scotland, and was put forward partly as a result of the interest which surrounded the celebrated case of Winnans v. MacCrae. In July 1884 an American millionaire named Winnans who had bought a 21-year lease on the Kintail Estate in Ross-shire sought an interdict against a local cottager to stop him grazing animals on land which Winnans wanted to use for raising deer. One of the animals concerned was the pet lamb belonging to MacCrae's small daughter, and on hearing that the lower court had granted the interdict MacCrae promptly slaughtered his animals, including the lamb. There was a sentimental outcry over this, and general public jubilation when the High Court reversed the decision and told Winnans that if he wanted to keep people or beasts off his land he had to fence it. It was less the details of this rather

(1) 293 Parl. Deb. 3s 514.
trivial case which caused misgivings to those interested in access than the deeper problem which it emphasised of the diminishing public access resulting from the enclosure of deer forests and shooting reserves, and the uncompromising and arrogant proprietorial attitudes which went with this. (1)

A similar Bill was presented by James Bryce again on 13th February 1888 and received a formal Second Reading before being lost. It was not until 1892 that the Commons actually held its first debate on the principle of access. This was on a Resolution on Supply moved by James Bryce on 4th March. It is of benefit to quote from his speech, the first in parliament concerning Access to Mountains, words which put simply and graphically the spirit of the measure as it remained over the years. "All I ask tonight is to bring forward the grievance and suffering to the people of Scotland, and in a lesser degree to the people of other parts of the United Kingdom, by their exclusion from their right to enjoy the scenery of their own country, and to seek healthy recreation and exercise on their own mountains and moors." To achieve this he declared "the only available remedy is to be found in legislation. The only remedy is to declare that the people have the right and ought to have the power to go freely over the mountains and glens of their own country." His case was that the freedom of the hills had only disappeared during the previous 80 or so years, so that in one sense he was seeking not to win a new freedom but to regain a very old one.

(1) See the remarks made by James Bryce in the debate in 1892. (2 Parl. Deb. 4s 93, 4th March.)
(2) See the remarks made by James Bryce in the debate in 1892. (2 Parl. Deb. 4s 93, 4th March.)
(3) 3 Parl. Deb. 3s 364.
(3) 3 Parl. Deb. 3s 1463, 17th April 1888.
(4) 2 Parl. Deb. 4s 91-128.
(5) Ibid. 92.
(6) Ibid. 98.
In the debate, which lasted two hours and in which thirteen Members spoke, several condemned the principle as being dangerous, damaging or unnecessary. Apart from its detrimental affect on property values and shooting there were heavier doubts. One argument was that the measure did not seek to rectify any general public wrong; another was that if such a grievance existed it was best solved without recourse to legislation, and yet another claimed that it was an insidious attack on property by radical and irresponsible agitators.

In fact, Bryce and his supporters took great pains to stress that the desire for access was in no sense an attack on the landed interests, and implied that those who might come onto the mountains as a result of their actions would certainly be few in numbers and well-versed in good manners. (This sensitivity points out an ambiguity which ran through all the efforts to win wider public access - at one moment claiming it was a general right which had been taken away unfairly and yet at another seeking to allay the fears it aroused in the minds of those who had usurped that right. There was often doubt therefore whether the supporters of access were seeking to assert a right or cajole a privilege.)

Within a week of the House passing this Resolution in favour of the general principle Dr. Farquharson (the member for

(1) See remarks by the Solicitor-General for Scotland in the debate. "The only feeling I have against the resolution is a feeling of regret that it should be necessary to invoke legislation to do what liberality and good sense on the one hand and gratitude and good feeling on the other might very well do for themselves." (Ibid. 121)

(2) See remarks by same person. "I am afraid the Hon Gentleman's Access to Mountains Resolution has become part of the stock-in-trade of the ordinary and unimaginative heckler. It is put forward by that class of person because they think that an unqualified answer in the negative would savour not at all of that platform generosity which gives away with lavish hand everything in the world save that which belongs to the speaker himself." (Ibid. 122)
West Aberdeenshire) and James Bryce again introduced the Access to Mountains (Scotland) Bill. Its Second Reading was postponed three times before it was withdrawn by its sponsors following the government's promise to bring forward its own measure to implement the wishes of the House, as shown in the debate.

Bryce had previously asked "Are the government, having accepted the principle, inclined to look with a sympathetic eye upon the Bill as a means of carrying out that principle?" and had been assured that it was. However, as no progress in presenting the new Bill was evident, on 16th May Bryce had put down a question to Sir C J Pearson, the Lord Advocate, asking the reason for the delay. Sir Pearson assured him that it would be introduced during that session and in fact he presented it on 26th May for its First Reading. The next month, however, the Bill was withdrawn in order that it might be re-worded and Bryce complained that it was a pity his earlier Bill had not been proceeded with in light of this development. Balfour, the First Lord of the Treasury, replied that it was partly because of the obstruction of Bryce and his friends, who did not like the government's version, that it was being re-drafted. In fact, nothing further was heard of it. From then until the turn of the

(1) 2 Parl. Deb. 4s 442 9th March.
(2) 5 Parl. Deb. 4s 1322, 16th June 1892.
(3) 4 Parl. Deb. 4s 963-969.
(4) 4 Parl. Deb. 4s 1927.
(5) 4 Parl. Deb. 4s 1927.
(6) 4 Parl. Deb. 4s 1927.
(7) 4 Parl. Deb. 4s 1927.
century no further efforts were made, mainly because none of the Bill's supporters was fortunate in the ballot, but it remained a candidate and was often referred to later as "the hardy annual". In 1900 the Scottish version of the Bill was presented again by Annan Bryce and for a further time in 1905.

In 1906 he was able to introduce it again without success, while in 1908 the two different versions were presented on the same day by Charles Trevelyan and Annan Bryce respectively.

The former received its Second Reading on 15th May in a debate which lasted some two and a half hours, and the opening speech by Trevelyan marked the beginning of his interest in the cause which he was to champion for the next twenty-five years.

He claimed that the problem became more serious with the passing of each year - "the general evil had increased in the last fifteen years, and it was now more difficult to walk freely in the wild places of Scotland and England. The need for legislation pressed more and more every year" - and pleaded for support not just on the practical grounds of health and recreation but also because it was inequitable for the privileged few to deny to their fellows a simple right which would cost them little. "They could not defend to the unprejudiced mind a claim to exclude a large and increasing number of men and women who were seeking health and recreation in the best and

(1) See remarks by C Trevelyan, "Since then (i.e. 1892) the question has sunk into the background of politics, chiefly, of course, owing to Mr. Bryce's ill-fortune in the ballot." (188 Parl. Deb. 4s 1440, 15th May 1908).
(2) Annan Bryce was the younger brother of James, and sat for Inverness. 78 Parl. Deb. 4s 420, 2nd February 1900.
(3) 141 Parl. Deb. 4s 756, 21st February 1906.
(4) 161 Parl. Deb. 4s 741, 23rd July 1906.
(5) 183 Parl. Deb. 4s 544 and 546, 3rd February 1908.
(6) 186 Parl. Deb. 4s 1430-1513.
(7) Ibid. 1440.
most beautiful wild places of the country on the ground that another set of people, much less numerous but with more opportunities, wanted it for their exclusive recreation". (1)

Supporters of the Bill included the member for Leicester, Mr. Ramsay McDonald, who spoke strongly in its favour and claimed in the course of his speech to have trespassed in many of the forbidden deer forests of Scotland, but the most encouraging remarks came from Mr. Thomas Shaw, the Advocate-General for Scotland in the Liberal government, who intimated that the government viewed the measure sympathetically, and claimed also that the main opposition party had long since been committed to the principle of the Bill. The majority of the speeches articulated an uncompromising opposition, however.

Of the twenty-three members who spoke, fifteen attacked it. (It was interesting that although the Act applied to the whole country it was the problem as it affected Scotland which was most closely argued.) Some, such as Viscount Castlereagh, refused to accept that the Bill possessed any virtues at all, and others such as Mr. Chaplin asserted flatly that the Highland

(1) Ibid. 1446.
(2) He stated "In regard to the attitude of the Government, I have conferred with my right hon. friend the Secretary for Scotland who naturally takes a favourable view of this measure", and made other remarks in a similar vein. (Ibid 1476) However, Mr. Walter Long pointed out near the end of the debate that "we have not been honoured today by the presence of one single Cabinet Minister, representing either England, Ireland or Wales, nor have we had the presence of one single law officer". (Ibid 1503), so it was wise to question how seriously the government took the measure. (Although Long's remarks seemed to overlook the presence of the Advocate-General).

"The House may not be aware that prior to the election of 1892 it was perfectly manifest in Scotland that Mr. Bryce's Bill had caught the popular imagination and the sense of justice in the north and just at that juncture - I do not suggest for a moment that it had in view the impending general election - a Bill was brought into the House by the Tory Party. That Bill provided for access to mountains, and it was a Bill conceived in many portions in identical language with that of Mr. Bryce.... I repeat, the Tory Party is deeply committed by parliamentary action to the principle of the present Bill..." (Ibid. 1477)
Clearances, far from being a social crime, had brought great benefits to the crofters displaced. At the end of the debate the Bill received its Second Reading by 177 votes to 65 (the first evidence of the interest and support the measure commanded amongst members), and was committed to Standing Committee. It came in front of Standing Committee A (to which Charles Trevelyan, Annan Bryce and Ramsay MacDonald had been added for the consideration of this particular Bill) at five of its meetings, but in this time the Committee only worked through to the fifteenth line of the first page and clearly was not going to have enough time to complete its task. On 13th July therefore it made a Special Report to the House that "Having regard to the period of the year and the position of the business of the House, which makes it impossible that the later stages of the Bill should be proceeded with this Session, the Committee resolve not to proceed further with the Bill.”

The Scottish Bill came before the Commons a fortnight later but as it was in all significant points almost identical to Trevelyan’s it was agreed that it should not proceed until the House had received the Report of the Standing Committee, which was presented on 13th July 1908. The following year Annan Bryce brought forward the specifically Scottish measure for the final time, again only succeeding in presenting it for its formal First Reading.

(1) Standing Committee Reports 1 VI 1908. The meetings were on: 25th June; 29th June; 1st July; 6th July; 8th July; 13th July.
(2) 189 Parl. Deb. 4s 1439, 29th May.
(3) 192 Parl. Deb. 4s 423.
(4) 1 HC Deb. 6s 329.
The ten years between 1909 and 1919 saw no further progress in parliament although the rambling bodies in existence at that time were always hopeful that a sympathetic member might be fortunate in the ballot, and it was 1924 before the Bill came forward again. On 13th May Mr. Fiers Gilchrist-Thompson, the Liberal member for Torquay, introduced it, stressing that it was very similar to the one put forward by Charles Trevelyan in 1908. He made a brief speech at its First Reading, emphasising that he did not see it as a punitive measure against the landed interests, however damaging many of their previous actions might have been, but rather as a way of improving the health and uplifting the spirit of the ordinary people. "Opportunities are necessary and encouragement are necessary. I am convinced that if (they) were given to the people...it would be lifting them up and encouraging a form of patriotism with which everyone in this House should have great sympathy." The Bill was given a formal Second Reading on 25th June, committed to a Standing Committee and then failed to make any further progress.

A few days before the First Reading Mr. Thompson had elaborated on his motives for introducing the Bill in a letter to the Manchester Guardian, which he closed with the rather unworldly prognostication that "Serious opposition to the Bill is not now anticipated", and the paper supported his intentions in a leader in the same edition. "If something is not done

(1) 173 HC Deb. 6s 1152-1154.
(2) 175 HC Deb. 6s 538.
(3) 2nd May.
soon" it asserted "the owners of the moors will begin to think
they have an unquestionable right to treat them as private
(1)
preserves". On the morning of the First Reading the Daily Mail
commented "The hills and moorlands of Great Britain ought to
be open, as far as is possible, to the common use of all", but
The Times disagreed in a leader the day after. "The grievance
which it (i.e. the Bill) purports to remove has little real
existence.... The promoters of the Bill, in fact, appear to be
(3)
making mountains out of molehills".

There was then a lapse of two years before Charles
Trevelyan was again able to represent the measure - "to secure
to the public the right of access to mountains and moorlands" -
(4) (5) (6)
in April 1926 and again in both 1927 and 1923. On none of these
occasions did it get more than a formal First Reading. On the
eve of each attempt the Manchester Guardian published strongly-
worded leaders in support of the Bill. Lines from the first
(7)
of these were quoted frequently by the Access lobby in later
pamphlets and speeches. "There is something wantonly perverse
and profane in a society in which the rights of property can
be used to defeat emotions in which mankind has found its
chief inspiration and comfort. If ever truth lurked in the
phrase 'the rights of man', those rights should surely include
the right to climb the mountains and the right to dream beside
the sea."

(2) May 13th.
(3) May 14th. (See also leader in The Times on 15th April
1924, which stated quite baldly "There is no call for the
proposed measure."
(4) 194 HC Deb. 5s 1032.
(5) 206 HC Deb. 5s 585.
(6) 217 HC Deb. 5s 1516.
(7) 21st April 1926.
Thus by the first years of the rambling boom the Access to Mountains Bill had come before the House of Commons in one form or another on thirteen separate occasions stretching across 40 years, had been debated twice and voted on once. This lack of progress was beginning to incense supporters in the country for, as the Manchester Guardian had pointed out in an earlier leader, the problem was not just one of asserting the moral right to walk over open countryside but of winning definite legal rights as well, which only parliament could grant. The first public meeting in support of the Bill that can be traced was organised by the Manchester Federation and held in the Geographical Hall there on 21st November 1929. Sir Charles Trevelyan spoke at the meeting about the urgency of securing its passage, but added that as he was now a member of the government (as President of the Board of Education) he would be unable to introduce it in the coming session and had therefore to seek out others who were sympathetic to the cause. The next year Mr. Graham White, the Liberal member for Birkenhead, introduced the Bill on 12th February in a speech very reminiscent of Gilchrist-Thompson's. He reiterated that it was not an attack on landowners or sporting interests, but rather "it rests upon the need of securing the greatest amount of health and happiness for the country as a whole." He finished by claiming that "the people who are behind this Bill do not think that they are asking for any great concession. They are simply unable to understand why they should not have

(1) 4th March 1927.
(3) 235 HC Deb., 5a 422.
the same rights of access to mountains and moorlands in this (1) country that the people have in Switzerland, Italy and Austria..."

The next occasion the Bill came forward, on 13th May 1931, three lady members took the initiative. Miss Ellen Wilkinson presented it, supported by Mrs. Manning, Miss Jennie Lee and five male members. The next day Miss Wilkinson put an oral (3) Question to the Prime Minister asking whether, in view of the growing enthusiasm for rambling, he would give facilities for the passage of the Bill before the summer. Mr. Ramsay MacDonald, perhaps unmindful of his earlier speech, replied that pressure of business made it difficult to promise such facilities. This discouraging answer was the last reference in parliament to Access to Mountains before the General Election of that year, and indeed until 1937. The Election itself was something of a blow to the Access lobby for several of its supporters lost their seats in the defeat of the Labour government. These included Charles Trevelyan, Chuter Ede, Hugh Dalton, Arnold Townend and Philip Noel-Baker (all Labour members) and Philip Oliver, a Liberal.

In the end the crush of parliamentary business had proved more effective an opponent to the Bill than any group of reactionary landowners. On five of the six occasions since 1924 it had been presented far too late in the session (i.e. April or May) to have any chance of securing more than a formal Second Reading, and still not a word had been spoken against

(1) See the Manchester Guardian's leader the day after. "Its safeguards to the landowner are strict and efficient. But it restores to the common man his immemorial right to walk over uncultivated land. It is high time to change conditions which...bar the teeming population of East Lancashire and West Yorkshire from the means of health that rise from their very doorsteps."

(2) 252 HC Deb. 5s 1194.

it in all this time. In view of the fact that this measure was intended to work such deep alterations in proprietorial rights and prerogatives it was unlikely that it would proceed further than this without stiff resistance in both the Commons and the Lords. Many of its supporters were aware that only a government-backed Bill had any real likelihood of success, but here expediency was even more potent a deterrent than lack of time. What administration, Labour or otherwise, would be rash enough to stir up a hornet's nest of such bitterness for so little obvious reward? Therefore where governments feared to tread, Private Members must needs rush in.

A more rewarding strategy to pursue was to encourage and articulate public support for the Bill in the hope of persuading parliament at least to allow it to progress through all its stages, and see what might then emerge at the end of the day. At the flood tide of the rambling enthusiasm this policy had great attraction, but as the movement declined in numbers after 1934 so the task appeared ever more difficult.
3. EVENTS DURING THE PERIOD 1931 TO MID-1938.

Although after 1931 the Bill did not come before parliament again until 1937, the previous Chapter has shown that the years between were ones of great agitation and controversy both within the rambling organisations and between them and the other access bodies. Already by 1930 a change of outlook had taken place, and the difficulty of making progress with the Bill only increased the bitterness caused by the obdurancy of both private and public landowners towards access.

At the 1931 Winnats rally, for example, the assembled crowd was told by Charles Trevelyan that there appeared no chance of securing its passage in the near future, and a resolution was subsequently sent to the Prime Minister "that this demonstration numbering many thousands of ramblers and lovers of the countryside from Sheffield, Manchester and counties surrounding the Peak District, deplores the fact that facilities have not yet been afforded for the passing into law of the Access to Mountains Bill, despite the benefits such a measure would confer on the present and future generations. We bring this to your notice and urge you to introduce the Bill at the commencement of the next session." By 1933 matters had still not improved. Edwin Royce wrote in the Journal of the National Council that "This Bill is not likely to be brought to the notice of the present Session, nor is there any reasonable probability that the 'national' Government will have an

(1) Curiously, only a few months later the editorial in Out of Doors stated that "We believe that never has the opportunity of success been so near". (Vol. 10 No. 58 November 1931 p. 89), which possibly goes to show how far this magazine was out of touch with the opinions of the 'official' leadership.

(2) See report in Manchester Guardian 29th June 1931.
opportunity to consider this measure."

Under pressure from the growing militancy amongst some ramblers which had manifest itself in aggressive and unlawful actions the co-operation between bodies such as the Commons Preservation Society and the Ramblers' Federations and their National Council began to crumble. Sir Lawrence Chubb had always been adamant that militancy was both ineffective and wrong, and he took steps to organise moderate opinion against it, eventually convening a meeting in January 1933 to discuss the whole question of wider access. Although it did not concern itself directly with the Bill clearly no meaningful discussion could take place without considering it. Chubb was of the opinion that any measure framed on the lines of the previous Bills was not viable as far as both its enactment and application were concerned, and he was beginning to have more serious doubts. He wrote to George Mitchell a week before the meeting took place stating that "we do not think that the Access to Mountains Bill can be wholeheartedly supported inasmuch as it is in some respects tantamount to confiscation". His reason for thinking this was the likely damage to 'legitimate' economic interests to be found on the moors, particularly the shooting rights. In fact Chubb had always been more receptive to these arguments than his rambling associates, and because of this had long been thought of as a pawn of the landowning lobby, anxious to do nothing to alienate them. Some of the ramblers' leaders had never regarded him as

(1) Access to Mountains, in Rambling, No. 1 June 1933 pp. 8-10.
(2) See page 236 above.
(3) Letter dated 25th January 1933 (with Ramblers' Association).
(4) Evidence to substantiate this claim may even be quoted from the Society's letter-heading, which indicated that its Offices were "kindly lent by the Duke of Westminster".
a reliable ally and so were not surprised at the cooling of his enthusiasm. What they were concerned about was the damage he might inflict on their case in the eyes of the public, especially in view of his eminent position in matters effecting the enjoyment of the countryside.

By late 1934 Chubb had become even more firmly convinced of the Bill's deficiencies; on 3rd December he gave an address to the Manchester Luncheon Club in which he attacked the Bill and its promoters with some degree of vehemence. It would never pass into law in their lifetimes, he claimed, for it failed to take into account the "fine old English attribute" (1) of fair play to both sides. This criticism particularly stung his old allies amongst the ramblers - arguments that the Bill was unlikely to get through parliament or would be unworkable if it did were one thing, but to claim that it was "lacking in fairness" was altogether different. Royce wrote to the Manchester Guardian in protest. Was the situation in the Peak District an example of "fair play" he wanted to know, (2) because if so the words had lost all meaning. He enlarged on this in an article in the Journal of the Ramblers' Association in March 1935. "There is a rather disrespectful implication in the allegation that the Access Bill is deficient in fair play. It is", he went on, "sufficient answer to Sir Lawrence Chubb to remind him of the early history of his own Society... Up to the present our rulers - many of them 'sportsmen' - have decided, and Sir Lawrence evidently agrees, that public welfare is a minor matter, and must give place to the selfish and unproved economics of the sporting racket. So be it, but spare us these hackneyed assertions, and those platitudinous vanities.

(1) See report of speech in Manchester Guardian, 4th December 1934.
(2) Op. cit. 8th December.
If any one is not for us, overwhelm us with reasons, and not rhetoric." The National Council also responded to this growing criticism of the provisions of the Bill by publishing in 1933 a pamphlet which sought to clarify the situation to the general public, and to dismiss the opposition's arguments about economic hardship, damage and nuisance if it were enacted.

It was fast becoming evident to the officers of the Ramblers' Association that the struggle to gain the Bill was going to be longer and more bitter than they had first thought. The belief that one need only appeal to the moral sense of one's legislators to win back one's birthright had long since been dispelled. Accordingly the Association set up an Access Sub-Committee in 1936 to take a particular interest in the question, articulating the ramblers' case and analysing that of the opposition. This Sub-Committee was very much a northern concern; its five members were Ward and Norton from Sheffield, Royce from Manchester, Sclater, the President of the West Riding Federation, and Thomas, believed to be from the Liverpool Federation. It held meetings, usually two or three a year, either in Manchester or Sheffield or some convenient mid-way venue such as Edale, and published an Annual Report as well as advising the National Executive Council of the RA. In its Report for 1936 it claimed that "It is fairly obvious that

(1) *A jewel for ramblers*, in *Rambling*, No. 4 pp. 5-7.
(2) *Access to Mountains and Moorlands*, leaflet published by NCRF (1933).
(3) Although in most correspondence it is referred to quite clearly as a Sub-Committee of the Association, occasional references can also be found to its being a joint Sheffield and Manchester body. This I imagine was a result of Ward, Norton and Royce assuming a somewhat parochial view of its work.
(4) *With the Ramblers' Association.*
neither the Cabinet, nor any considerable body of MPs, are 
interested in our problems....events indicate the kind of 
reception the Bill would meet with in parliament if a member 
had the temerity and luck with the ballot for private member’s 
Bills, to sponsor it."

The General Election of 1935 was a welcome opportunity 
for the Association and its constituent Federations to canvass 
(1) for political support. The Association sent a letter to all 
parliamentary candidates outlining the case for legislation 
not only on Access but also on National Parks, Rights of Way 
and the preservation of the countryside. It closed by saying 
"The Association will be glad to have an assurance that you 
are in sympathy with further efforts to preserve the country­
side and to make it more accessible. If returned as a Member 
of Parliament will any legislation promoted for the furthering 
(2) of these objects receive your support?" There is no evidence 
that this tactic produced any number of expressions of support 
from putative MPs, and the Election itself saw the unseating 
of at least two of the open air lobby’s most steadfast supporters, 
Holford Knight and Martin Conway. In general, however, the 
composition of the new House, with its greater number of Labour 
members, was a more agreeable one as far as the ramblers 
were concerned. Several earlier supporters such as Ellen 
Wilkinson, Chuter Ede, Hugh Dalton and Daniel Hopkin were 
re-elected, along with new ones such as Ellis Smith and Arthur 

(1) It was only the second Election in which this had been 
done. Prior to the formation of a national body several 
of the regional Federations had canvassed support during 
the 1929 campaign (see Manchester Federation’s Jubilee 
handbook, 1943 p. 22), but the national crisis in 1931 
had made it inappropriate to advance their claims, so it 
was felt at the time.

(2) Copy of this letter with RA.
Creech-Jones. This, combined with the slowly-brightening
domestic situation, gave a much-needed fillip to their morale.
Despite the fall in the numbers of people rambling many also
felt that the disappearance of the militant fringe would
improve the chances of an Access Bill finding its way onto
the Statute Book before very long.

The next time the Bill came before parliament was in July
1937 when Geoffrey Mander introduced it, but being so late in
the session there was little chance of it proceeding very far.
It was nonetheless a welcome sign to its supporters that the
years of inactivity in parliament had not meant that the
measure had been lost altogether. Mander's Bill had been very
similar to all the previous ones, but the thoughts of bodies
such as the Commons Preservation Society, the CPRE and the
National Trust were now beginning to turn towards the idea that
a less uncompromising Bill, incorporating as far as was
possible the guarantees demanded by the landowning lobby,
would stand a much better chance of success - that they should
seek in fact to pilot an 'agreed' measure through parliament.
Mander himself, despite having brought forward the old version
of Bill, became convinced of this, and even amongst the ramblers
small signs of division began to appear, although their leaders

(1) 326 HC Deb. 5s 571, 16th July.
(2) See reference in The Footpath Way, Manchester Guardian
1st November 1937, to the fact that some ramblers "were
now beginning to realise that their uncompromising
attitude was no good."
were still suspicious of any compromise with the other side. An "agreed" Bill as they saw it really meant that the landowners would agree on what they would concede and the ramblers would have to agree to accept it.

These fears were not stilled when Mander, apparently on the advice of Sir Lawrence Chubb, decided that his earlier Bill, if re-presented in the new Session, should have an amending clause inserted which would provide in certain cases for only nine months of access in the year. A further initiative by the COSFPS in convening a "round table" conference at its offices on 22nd and 23rd October 1937 at which the Access Bill was the principal matter under discussion did even less to quieten their suspicions, although ramblers' delegates were present at this conference and voted to accept its findings. After discussion a resolution was passed unanimously which called upon the COSFPS to arrange the formation of a Joint Sub-Committee with representatives from all interested bodies to help prepare an "agreed" measure. George Mitchell, as Secretary of the RA, Edwin Boyce as convenor of the Access Sub-Committee, and Stephen Morton were involved in a lengthy correspondence after this decision had been announced and Chubb had approached them for nominations.

(1) The sequence of events described in the next few pages has been re-constructed by a close examination of the correspondence held by the various bodies involved. Few references to these events appeared in their publications, presumably because there was no desire to make the disagreements common knowledge. By relying upon correspondence only it is possible that certain minor developments have been unwittingly omitted, although I believe, and this has been confirmed in interviews, that the account is substantially correct.
for the Committee. It was clear that although they did not want an 'agreed' measure it was likely that if they refused to co-operate the power to influence events might pass from them to their "bête noire", Sir Lawrence. "We do not like this joint committee and feel that it was dirty work on the part of the Commons Society which has resulted in this idea, but again in the interest of policy as opposed to convictions we are prepared to at least examine the road even if we must (1) perhaps later on refuse to travel along it."

The RA was particularly anxious to clarify Mander's position in all this, for it was an enquiry from Royce to the Commons Society about the implications of his amendment which had led to the moving of the resolution seeking an agreed Bill—in other words, the Society had apparently taken Royce's approach as a sign of willingness to be involved, and it was known also that Mander had attended the conference. Royce (2) wrote to Mitchell thus: "We approached the C & F to get an opinion from Mr. Baker (i.e., its Deputy Secretary) upon the implications of an amending clause in the Bill as suggested by Mr. Mander. Instead of getting this a resolution is tabled without my knowledge, presumably because the Society realised it cannot remain in the background if there is some prospect of an agreed Bill. The thing we should like to know is, did Mr. Baker approach Mr. Mander, or did Mr. M. himself make overtures?".

Royce had therefore written to Mander on 6th November putting quite forthrightly the doubts which many of the Ramblers' Federations had about this latest turn of events. "The entry

(1) Morton to Mitchell, 23rd November 1937 (with Ramblers' Association).
(2) 7th November 1937 (with Ramblers' Association).
of the Commons and Footpaths Society is regarded with misgivings by the northern Ramblers' Federations, and one Fed. has already made a protest. The reasons are: (i) the propensity of the Society to make compromises with landowners, as it did in the case of the A. of W. Act 1932, (ii) the known antagonism of the Secretary, Sir Lawrence Chubb, to the Access Bill, as evinced in his Manchester speech.

Would you like to make any comment upon the action of the Commons and Footpaths Society and to state briefly how the resolution came to be included in their Conference agenda?" (1)

Mander wrote back, giving his opinion that "the action taken is a wise one, because without prejudice to the future, when you can still ask for the old original Bill, it does give an opportunity of seeing how far it is possible to secure, by agreement, a measure that can be passed at once, and means at any rate, a substantial advance on the present position. The Bill in its present form has no chance whatever of passing into law, as it is highly controversial". His only reference to the role played by the COSFPS was in a guarded last sentence, "I think you will find Sir Lawrence Chubb genuinely anxious to co-operate."

The obvious inference to be drawn from all this was that Mander was now weakening in his resolve, particularly as it emerged that it was he who had approached Chubb and his associates in the first place to try and negotiate a compromise beyond the public eye. Mitchell wrote to Royce on 13th November setting out his feelings. "I fancy Mander had been touting around for support, and had approached the Commons Society as well as the CPRE and the National Trust. I know that the

(1) 8th November 1937 (with Ramblers' Association).
(2) Letter with Ramblers' Association.
Bill was circulated to the Executive of the CPRE and Matheson of the N.T. told me Mander had seen him about it. That is the only explanation I can give for the subject appearing on the agenda of the Common Society's Conference and the fact that Mander attended and spoke on the position. He said he would make a statement to the press on the subject, and not re-introduce the Bill until it was in an agreed form."

The wrangling over all this was further complicated by the sudden realisation that another MP, Mr. Morgan Price, who sat for the Forest of Dean, had won a place in the ballot and was interested in putting the Bill forward again. Up until then Price had apparently not taken much interest in the cause, and so was not cognizant with these latest developments. In his ignorance therefore he put forward the old contentious version of the Bill at the First Reading on 29th October. He was soon made aware of this rather farcical situation and agreed to substitute the Bill in its new form if one could be prepared in time for the Second Reading, which was scheduled for 18th February 1938. "I have told him (i.e. Price) about the position and he is hoping that a new non-controversial Bill will be ready by that date. If not, I do not think he had quite made up his mind what to do, and would no doubt be guided by your advice. Personally, I should have thought it was better, if the new Bill is not ready, not to introduce any other, but that is a matter for you to decide."

(1) See CPRE Monthly Report Vol. X No. 2 November 1937 p. 33, which expressed full agreement with Mander's view that the Bill would have to be altered, and commented favourably on the outcome of the CO&FP5 Conference.
(2) 323 HC Deb. 58418.
(3) Mander to Noyce, 8th November 1937 (with Ramblers' Association).
As it happened the Second Reading never took place, for the preceding measure was a contentious one also. This proved a face-saver for those involved because there had been little progress on reconciling the opposing factions as to the wording of any new measure. However the notion of an 'agreed' Bill had taken hold, and despite the failure of Price's initiative negotiations continued through the latter part of 1933 between the Commons Preservation Society, the Land Union and the Central Landowners Association. Thus it was that the presentation of Creech-Jones' Bill in November of that year marked only the opening of a more intensive episode in the last stages of a lengthy campaign.

At this point it is necessary to break off from an examination of these events to assess their significance for the Access lobby, and understand why its leaders were so hostile to the idea of an 'agreed' measure. The rambling leadership already had long history of failure to live down as far as their rank and file were concerned. In the past most attempts at winning wider access by negotiation either with the sporting interests or the water undertakings had failed, so this in itself did not augur well for the chances of arriving at anything which would be more than a "charter for landowners". Memories of the vindictive sentences after the Kinder mass trespass and of the vituperation of people such as the Duke of Athol were still strong and there was a consequent sensitivity over making any 'deals' with the other side. The original Bill was felt to be the least they should have; for far too long they had been told in speeches and in print that it was their "right", and would be of danger to no other interests. That being so, how could a compromise now be explained as anything more than a betrayal of all they had
fought for over the years?

Quite apart from this pressure from their supporters they were conscious of other dangers. To them the main points of the Bill had always been very simple and clear-cut. In essence there were three: the setting out of "national" conditions of access; the opening of the mountains and moorlands all year round; and the removal of any threat of action for trespass to those who observed the safeguards in the Bill. It was felt that once a retreat from any of these demands began it would be difficult to turn and fight on the others.

If, as Mander had suggested, provision should be made for access during only nine months of the year in certain cases, what would be the situation as regards the Lake District or Snowdonia? Obviously such a concession was intended to placate the grouse-shooting interests in the Peak District but would it be turned against walkers in other areas where until then they could walk throughout the year? Would a marginal gain in one area lead to a diminishing of access elsewhere? Such a situation could only be avoided by making regional exceptions, but this immediately went counter to the principle of the Bill as a "national" measure. Also once a concession on the length of access was made, the danger of trespass returned. Presumably anyone walking on the moors the day after the open season had ended would be outside the protection of the Bill. Then there might be further demands to limit access to certain times of the day, in particular to the hours of daylight on the argument that no person would wish to be out on the moors for any but nefarious purposes after dark, so that both a chronometer and calendar would become essential items in any walker's equipment.
Also the leadership were fearful of Chubb's influence, and suspected that his efforts would cause nothing but damage to the intentions of the Bill. They saw no reason why they should now believe that the landowning interests were willing to come to a genuinely agreed measure, and still felt that in the final analysis parliament should have the moral courage to coerce them if they were unwilling to give way on the essential points. Also there might have been the understandable feeling that at a time when ordinary people were faced with the demands brought on the nation by the impending crisis, then the least gesture of good faith that parliament could make was to restore the right to walk on their native hills without let or hindrance.

Another point which troubled them was the doubt as to whether any "agreed" measure could in fact be locked upon as merely temporary, to be amended and widened at a later stage as Mander had suggested. Such arrangements had a habit of becoming only too permanent, and could the morale of their supporters be sustained long enough to fight the inevitable battles for any improvements? There was also the further point that having taken nearly half a century to arrive where something appeared to be within their grasp, how long might one have to wait for further parliamentary action?

(1) "The word "patriotism" is much on people's tongues at the present moment. How can you expect some people to feel patriotic about the rookeries in which they have to live? Let them have free access to beautiful scenery, which will kindle their love for their country". (Commander Fletcher in 2nd Reading debate 2nd December 1933 342 HC Deb, 5s 762).
Having said all this however, it now seems clear with the benefit of hind-sight that once the notion of an "agreed" measure had first been mooted the Access lobby could do little but accept it. Such a sweeping assertion I believe is justified simply because once sufficient support had been summoned up behind the idea, the resistance of the 'hard-liners' would have little effect. Even if they had refused to have any truck with the new Bill and had been able to find a member still willing to bring the old version forward it was obvious that the House itself would not be receptive. Faced with a choice there is no doubt which one, if any, it would accept. From the point of view of the time available and the powerful forces in opposition it would far prefer compromise to principle on such a matter. A more subtle point was that not only did the workings of parliament necessitate a compromise but also the workings of the administrative machine. Any sequence of events which might involve one of the government departments was sure to result in overwhelming pressure to seek common ground and to reconcile the opposing sides. This had already happened in the case of the Addison Committee, and in fairness would have happened also if any of the earlier Access Bills had proceeded under government patronage, as the lobby had often suggested they should. Indeed, it was precisely this fate that awaited Creech-Jones' Bill the next year. Far from accepting Morton's assertion that they might examine the road even if they chose not to travel along it, it appears that once it had been pointed out they had no choice. To turn Royce's words back upon themselves, reasons would eventually overwhelm them, and all that would be left would be their rhetoric.
1. THE PERIOD BETWEEN NOVEMBER AND DECEMBER 1938.

By the beginning of the new session in 1938 agreement had still not been reached on an "agreed" measure. Therefore when Arthur Creech-Jones, the Labour member for Shipley, had the good fortune to gain a favourable place in the ballot and decided to bring the Access Bill forward again he had no alternative but to present the old version at the First Reading on 11th November. He and Edwin Royce corresponded shortly after about its chances of getting through. Royce himself was not very optimistic but Creech-Jones felt differently: "I think the position is not quite as gloomy as you fear it is. There is at the moment of course, the usual talk about the nearness of a General Election, but these rumours have been circulating for the past year. It is difficult to gauge what will happen, but it is possible that as this parliament still has two years of life, the Government may still carry on for another year. In any case, this situation is always uncertain and it is better for us to hope that in a session not unduly congested with Government Bills, some progress may be made with a Private Member's Bill, particularly one introduced near the beginning of a session."

(1) See his letter to Royce, dated 17th November, with Ramblers' Association. "I gather from Sir Lawrence Chubb that his negotiations which have been protracted are not likely to be concluded in time for the introduction of my Bill. These negotiations can last indefinitely and therefore it would be unwise to wait until a draft Bill on which everybody is agreed can be introduced."

(2) Ibid.
He went on to point out that his intention was to present the Bill in such a way as to make amendment at a later stage fairly easy. "It may be that the basis of the new Bill will be similar to the old Bill, but I hope that in the light of previous discussions with the opposing interests, that it may be amended somewhat and brought forward with a plea that in the Committee stage, if the House gives it a Second Reading, it can be further amended. I cannot, of course, introduce the draft Bill but I hope my Bill will improve on the previous one and yet be capable of amendment so as to secure common agreement."

A sudden feeling of elation seemed to strike the Bill's supporters as the Second Reading approached, a belief that the final push was about to be made. The Access Sub-Committee of the Ramblers' Association sent a circular to all MPs asking for their support on the grounds that it would encourage the improvement of the nation's health and satisfy the increasing demand for open-air recreation. It also suggested that such a measure would yield beneficial results in time of war. This circular was followed by a letter from the Association which covered a pamphlet which had been drawn up on the Bill setting out the ramblers' case at greater length. The West Riding Federation launched its fighting fund for the campaign and the Sheffield Federation organised a postal canvass, arranging for ramblers all over the country to sign and post pre-printed

(1) Ibid. It is difficult to understand what exactly he meant by these statements, because the wording of his original Bill was virtually identical to all the previous ones. I imagine that he intended to adopt a more conciliatory tone at the Second Reading and to indicate that he was prepared to make concessions along the lines of the 'agreed' draft. The only other explanation is that the exact wording of the Bill had not been published at the First Reading or for several days afterwards.

(2) See Departmental file LU 2914.

(3) A reference to the National Fitness Campaign, mentioned earlier.


(5) See page 195 above.
cards to their local Member. "Great enthusiasm, and to blazes with the lukewarm" Stephen Morton proclaimed. Tom Stephenson wrote to Morton commenting on the effect this canvass had created "there are obvious signs of your good work," Creech-Jones told me yesterday that members were now being inundated with cards on access"...

(1) The wording of these cards was: "As one of your constituents I request you to attend the House of Commons for the debate on Access to Mountains on December 2nd 1938. Your vote in favour of this Bill would be appreciated and noted by many electors here".

(2) Letter, undated and addressed only to "dear friend", with Ramblers' Association. It also contained criticism of the timidity of the National Executive of the RA, and of its Secretary, George Mitchell.

(3) Letter dated 30th November 1938 (with Ramblers' Association).

(4) Ibid.

(5) Department file LU 2914.

(6) A copy of this memorandum cannot be traced, but the Association has confirmed that it was in fact sent for the purpose stated above.
More significantly the first correspondence had passed between Sir Lawrence Chubb and the Home Office several days before the Second Reading. On 23rd November, for example, he wrote to Blake Odgers, the official who first dealt with the matter, pointing out the flaws as he saw them in the present Bill and suggesting that one answer might be for Section 193 of the Law of Property Act to be revised to embrace not merely commons, but all open lands. Limitation on access to sporting lands was definitely needed, but otherwise he knew that both the Land Union and the Central Landowners' Association were "sympathetic" towards an agreed measure. Odgers wrote an internal memorandum on 29th November giving his opinion that the Bill had appeared at an inopportune time when the landowners' bodies were threshing out a new measure with the COSFPS but that certain alterations, particularly ones which laid down penalties for the non-observance of its provisions, would help to improve it. He noted that from 1924 to 1937 no government attitude had been adopted and thought that unless there was a sudden change of emphasis under the National Fitness Campaign there still was "no need for the Ministry to express an official view". He suggested that it should be left to a Free Vote in the House, "ill-timed and badly-framed as it is".

(1) On, cit.
(2) On, cit.
2. THE SECOND READING DEBATE.

The Second Reading debate on the Bill, held on 2nd December 1938, was the first such debate since 1908. Creech-Jones began by sketching in briefly its chequered history since 1834 and then emphasised the wide support that the present measure commanded from open-air organisations, particularly because of its relevance to the government's National Fitness Scheme (a point made frequently during the debate). He then examined the case against it as argued by the shooting and water interests and tried to dismiss the risks of pollution, damage and fire. His argument was that he was less concerned by the economic disadvantages of access than with the social unfairness which resulted from its denial. He conceded that the Bill as it stood needed improvement - "I am aware that the Bill has certain defects and omissions.... I can give an assurance to the House that in respect of any blemishes or defects in it, these can, with accommodation, be removed in Committee" - but he felt that the House should agree to accept the principle.

Commander Fletcher seconded the motion in contrasting vein with a light-hearted and rather effusive speech. He praised Creech-Jones for his "cogent and fairminded" address and, in an excess of hyperbole, hoped that one day he might hear "the ramblers and climbers of this country say of him 'How beautiful upon the mountains are the feet of him that bringeth good tidings'". He again stressed that the Bill was no attack on

(1) 342 HC Deb 5s 747-829.
(2) His complete speech, Ibid. 747-755.
(3) Ibid. 747.
(4) Ibid. 755-763.
(5) Ibid. 756 (The irony of these words will become abundantly clear later in the Chapter.)
the landed interests but rather an attempt to regularise and make more general the sort of freedom which already existed for the walker in places such as the Lake District.

(1) Captain Heilgers, supported by Colonel Clarke, then moved that it should be read "this day six months" (i.e. that it should be rejected). The general line followed by the opposition was not to attack the idea of helping the youth of the country to appreciate the beauty of the countryside but to argue it was not necessary to do this through legislation. This was a repetition of the old canard that plentiful access did in fact exist and that under the right circumstances no-one was ever prevented from walking on open land by its owners. The difficulties which admittedly existed in some parts of the country were considered to be susceptible to local negotiation.

Quite apart from this tendentious argument the opposition also attempted to make two more fundamental criticisms stick — that it would cause economic hardship by damaging forestry, shooting and water interests, and that it amounted to the nationalisation of such land without even the benefit of compensation. "To our minds it also attacks the whole principle of owning land.... In the guise of helping the hiker, an object which goes to all our hearts, the Bill really aims at the nationalisation of property... The remainder of the Bill is not so important, so far as we are concerned."

(1) Both these members were Vice-Presidents of the Gamekeepers' Association of U.K. The Star newspaper commented on the former "Unless the landowners can find a more convincing opponent than Captain Heilgers, its (i.e. the Bill) passage seems assured." (8th December 1933).

(2) The speeches in opposition, Ibid. 783-778.

(3) See remarks of Col. Clarke. "Why demand as a legal right what in most cases you can obtain as a guest?" (Ibid 773).

(4) Ibid. 764-765. Capt. Heilgers remarked on the fact that "the names of three Front Bench Members of the Socialist Party are on this Private Member's Bill" (Ibid. 763).
(This criticism was perhaps more cunning than it first appeared for, quite apart from trying to arouse partisan feeling by implying that it was a 'socialist' measure, presumably if a case for compensation could be sustained then the Bill, being a Private Member's one, would be crippled as it could make no provision for such payments.) Kingsley Griffiths, immediately following the main speakers, pointed out that it was not the promoters of the Bill who were setting out a case for nationalisation but rather their opponents, who by their unyielding attitude were suggesting it as the only possible remedy.

In the rest of the debate sixteen other members spoke, twelve giving support to the principle of the Bill and three attacking it. The main points made were that the Bill was badly in need of revision on points of detail but that its underlying principle should be accepted. It was agreed that the dangers of fire and damage needed particular attention, as well as the question of enforcing penalties against those who misbehaved, but most of these criticisms were seen as "Committee points" which in fact had no place in the Second Reading debate. The Under-Secretary at the Home Office, Geoffrey Lloyd, spoke with some equivocation but in general suggested that the government's attitude was not antagonistic. He stressed the paramount need for drastic revision of parts of the Bill and pointed out the Land Union and the Central Landowners' Association were at that moment negotiating about an agreed measure. That being the case the House was faced

(1) Ibid. 778-779.
(2) This total excludes the spokesmen for the government.
(3) Ibid. 817-820.
with two alternatives — whether to reject the present Bill with the understanding that a new one would come forward in the near future, or to approve it and hope that the relevant parts of any agreed measure could be interpolated during the Committee Stage, always assuming they would be ready in time. He suggested that the Committee Stage might be put back as long as was possible to await any such improvements. "Having done that, and stated the attitude of the Government that this Bill is a bad Bill, I leave the matter to a free decision of hon. members."

At the close of the debate Captain Heilgers rose to withdraw his amendment "In view of the assurances of the promoters of the Bill that their sole purpose is to promote national fitness and their promise of reasonable Amendments on the Committee Stage", and it received an unopposed Second Reading and was committed to a Standing Committee.

3. CONSIDERATION OF SITUATION AT END OF 1938.

At this point it is opportune to consider how matters stood at the end of 1938. On a superficial glance the Access cause seemed to be on the point of winning its most significant victory. The House of Commons had given the Bill an unopposed Second Reading during which few speakers had declined to accept its principle and even the government had assumed a posture of benevolent neutrality. A closer reading of the debate however, as well as a knowledge of the events during the preceding year or so, gives a very different picture.

(1) Ibid. 320.
(2) Ibid. 329.
Although there had been general agreement on the principle of the Bill there was also an assumption running through the whole debate that the measure being discussed was not the one that might eventually become law. Even a rambling stalwart like Hugh Dalton openly embraced the idea of an 'agreed' measure virtually being substituted for the present one. Creech-Jones himself was certainly in favour of this and the government had hinted quite emphatically that only in a radically-changed form could the Bill hope to make progress. Therefore what in effect had been decided was that parliament might allow time for a different Bill with the same title to proceed through its necessary stages. This made the negotiations outside of crucial importance and in turn meant that the Commons Preservation Society had now moved to the centre of the stage, pushing the Ramblers' Association and its constituent Federations aside, spectators at their own feast.

There was another point to consider. The Bill as presented in November 1938 was not a "ramblers" Bill (as none of the others had been either), but rather Creech-Jones' Bill. This is an important distinction to make because it was the Member himself rather than those interested parties outside parliament who had the final word on what amendments might be accepted. It is important to remember also that he was not a close associate of the rambling establishment as were Charles Trevelyan and Graham White, and therefore was not acquainted with the depth of feeling which existed, particularly in the north. Tom Stephenson volunteered the opinion when I interviewed him that Creech-Jones simply became obsessed with the desire to pilot "his" Bill through come what may, no matter how many concessions this might entail. A more

(1) 342 HC Deb. 5s 821.
charitable explanation could be that he was more aware of the accommodations which had to be made in order to placate the opposition. Indeed there is later evidence that he was unhappy with some of the concessions which he was forced to accept. Whatever his motives, by the spring of 1939 far from being hailed as a prophet bringing glad tidings he was being reviled amongst ramblers as a traitor who had betrayed their cause to the landowning interests.

Around the time of the Second Reading there was a sudden flurry of editorial comment in newspapers and weekly journals. Almost without exception this was favourable to the principle of the Bill - accepting the justice of the ramblers' demands, the need to remove the privileges of those who opposed them and the benefit it would bring to the campaign for national fitness. The most interesting comments appeared in two conservative journals, The Spectator and The Economist. The former published a leading article which gave emphatic support to wider public access and castigated the landowners for seeking to perpetuate "this sacrifice of the general interest". It stated that "a government with national interests at heart should support the Bill without a moment's hesitation."

A week later The Economist spoke of the parliamentary fate

(1) Without going into great detail, the following national papers commented on the Bill in editorials.

**Daily Herald**, 31st November 1938 (followed by two articles, on 3rd and 6th December).

**News Chronicle**, 2nd December.

**Manchester Guardian**, 3rd December.

**The Times**, 3rd December.

**Daily Mail**, 3rd December.

(There was comment expressed in several regional papers also, such as the Liverpool Daily Post (3rd December), Yorkshire Post (ditto) and Yorkshire Observer (ditto).

(2) The Spectator, 2nd December 1938, p.933.
which now awaited the Bill. It feared that the vested
interests were still too strong for its supporters and that
it "may be lost or stultified in Committee, which would be
scandalous at a time when we are paying loud lip service to
public health. More likely it will pass amended by mutual
concession and a long standing public wrong will be righted."

What of "official" rambling opinion? The National
Executive of the Ramblers' Association devoted much of the
winter number of its Gazette to an analysis of the 'state of
play' on the Bill. It saw the obvious dangers now that the
Bill was to be altered by "whole-sale and drastic amendments",
and felt that previous negotiations had given no grounds for
optimism on this point. It then went on to consider the case
for and against compromise. Rather than attempting to
paraphrase this it is more advantageous to quote the paragraph
in its entirety as it presents a very clear summary of the
ramblers' view of the Bill. "Why Compromise? There is a body
of opinion amongst ramblers which asks why a compromise on
access is contemplated, and which demands the whole Bill now or
its re-introduction to that better balanced House of Commons
which is expected after the next General Election. The
extremists, using that word in no disparaging sense, admit
there is no chance of a 100% Access Bill now, but they fear
that any "agreed" measure will not only take the drive out of
the movement for complete access - which is neither unreasonable
nor a "cranks" demand - but will worsen the position of the
walker who today takes his access to mountains as he wants it,

(1) The Economist, 10th December 1938 p. 532,
(2) The Ramblers' Association Gazette, Winter 1938/9
No. 5 pp. 1-7.
depending upon his wind and limb and skill in evading undesirable keepers. There is certainly a very serious risk that we may find undesirable penalties and restrictions incorporated in the redrafted Bill, and in this event the Association will have to consult its constituent Federations and Associates whether or not to regard such a Bill as an "agreed" measure. The great wall of privilege and reaction at which we have been hammering for half a century shows signs of cracking. Shall we get in the thin edge of the wedge or wait - another ten or maybe twenty years - for the mythical political dynamite which is to blow the nasty thing into a (1) dusty memory?"

It is interesting that the National Executive gave no indication about its own attitude. At another point in the Gazette it simply stated that "Readers...... will be able to judge for themselves how optimistic (or pessimistic) they (2) ought to be."

4. EVENTS BETWEEN THE SECOND READING AND COMMITTEE STAGE.

Following Geoffery Lloyd's prompting in the debate that the negotiations initiated by the COSFPS should be expedited, events gathered momentum. Chubb wrote to Stocks, the Legal (3) Adviser to the Minister of Agriculture, telling him that the Land Union, the Central Landowners' Association and the Scottish Land and Property Federation had held a series of private meetings on the Bill, although he had no knowledge

(3) Departmental File LU 2914.
of their conclusions. His own Society was convening a full
meeting of all open air organisations in mid-January to try and
reach some agreement amongst them. The Treasury then wrote to
the Parliamentary Counsel on 19th December 1938 giving them
permission to help with the drafting of the detailed provisions
of the new Bill once the result of this conference were known
and the broad shape of the measure had been established. At
the same time Stocks expressed his opinion that his department
had no real interest in its substance and was only involved
marginally if the new Bill was drafted on the basis of Section
193 of the Law of Property Act. He suggested that the Ministry
of Health was the most suitable ministry to handle it.

Chubb wrote to George Mitchell on 21st December 1938
inviting the Ramblers' Association and its constituent bodies
to attend the conference, "in order that it (i.e. COSFPS) might
be acquainted with their views before meeting the representatives
of the landowners' associations during the following week."
He went on "You will of course understand that the alternative
draft cannot be substituted for the Access to Mountains Bill.
All that can be done to amend the Bill on the lines of the
alternative draft, or otherwise, so far as the rules of
parliament permit." He enclosed the preliminary draft (known

(1) It is interesting to note that at no time during these
negotiations did the rambling representatives meet the
landowners' organisations face-to-face. Chubb kept the
negotiations separate and acted as the intermediary,
why the ramblers did not demand such a meeting is not

(2) Op. cit. Creech-Jones had written earlier asking for
such help.

(3) Minute 9th January 1939, op. cit.

(4) With Ramblers' Association.

(5) Actually, although this might have been correct in theory,
in practice the Bill as it appeared before the Standing
Committee was virtually a completely new one. See the
remarks of Mr. Ramsbotham quoted on page 300 below.
as Draft No. 1) which was based on Section 193 of the Law of Property Act. In brief it gave public access to all uncultivated land, subject to the right of landowners to appeal to the Minister of Agriculture for Orders restricting access and imposing special conditions governing it. The penalty clauses had been strengthened to some extent and in addition there appeared for the first time in any draft the infamous "Trespass Clause", which made it an offence to disregard any condition or restriction in a Minister's Order. The effect of this as far as the ramblers were concerned was to make harmless trespass a criminal offence. On the grouse moors, for example, the most obvious restrictions would be those prohibiting the public from roaming over them during the nesting and shooting seasons, even if they were committing no damage or nuisance.

The conference proved to be unexpectedly acrimonious for Chubb had obviously miscalculated the depth of feeling amongst the ramblers, who were vehemently opposed to this new Clause. They made it abundantly clear that, while they might reluctantly accept some restrictions on access under special circumstances, they would never agree to the harmless trespasser being penalised. The conference therefore broke up with no agreement being reached and Chubb had to promise that the Bill would be re-drafted a further time and then another meeting called.

As soon as the Home Office learnt of this setback Blake Odgers arranged for an inter-departmental meeting to be held on 30th January to discuss the situation. Apart from representatives from the Home Office, the Ministry of Agriculture, the

(1) See Access to Mountains, a memorandum on the amended Bill, published by the Ramblers' Association (April 1939).
(2) Minutes of this meeting in Departmental File LU 2914.
Ministry of Health, the Law Officers' Department and the Office of the Parliamentary Counsel. Mr. Studdert-Kennedy of the National Fitness Council and Sir Lawrence Chubb were invited to attend. Odgers, chairing the meeting, outlined the present situation. The Committee stage had been deferred pending agreement and was scheduled for early March at the latest. He suggested that as the new amendments activated the procedure under Section 193 of the Law of Property Act the responsibility for the matter now lay with the Ministry of Agriculture, but Mitchell from that Ministry objected. He insisted that they need not nor could not undertake this additional work, particularly in view of the very early starting point specified in the Bill - the first day of 1940 - and the opposition it would be certain to arouse amongst landowners.

Chubb pointed out that although his Society supported the changes the landowners' organisations still did not like them, whereupon Stocks (the legal adviser to the Ministry of Agriculture) suggested that as these changes meant virtually a new Bill the best course of action would be to withdraw it and start again. (Coldstream, from the Office of the Parliamentary Counsel, added his opinion that there was no practical chance of the original Bill being so amended). It was felt generally that if this was the case then the departments involved "would be sympathetic". Stocks then suggested changing the whole emphasis of the measure by giving to the appropriate Minister the power of granting access, subject to specific conditions, in areas where it could not be found already. Some raised objections over the complicated
and laborious administrative problems inherent in such a
procedure, but the meeting finally agreed that this approach
should be the basis of any agreed measure. The administration
would have to be handled by the Town Planning Section of the
Ministry of Health, although it was understood that this was
already over-worked. It was also pointed out that if much
expense was involved in the procedure a Financial Resolution
would be needed, which would be fatal to a Private Members' Bill.

At the close of the meeting it had been decided that in
the first instance Chubb was to sound out the various parties
involved to get their feelings about these changes, and in
particular he was to approach Creech-Jones for his reaction.
Once this had been done a revised Bill was to be drawn up and
then the Cabinet was to be approached to give guidance on its
priority and to decide which Ministry should handle it.

Following this meeting the COSFFS called a second conference
of open air organisations on 10th February to discuss a re-
drafted version which incorporated this change of emphasis.
For the first time the principle of general access to all
uncultivated land was removed and in its place was put an
elaborate arrangement for obtaining limited access to specific
areas. The ramblers' delegates agreed to this change reluct­
antly, although in fairness to them it should be pointed out

(1) Which presumably was tantamount to saying that the
provisions of any Act would be brought into effect in
a very slow and piecemeal fashion.
(2) Known as Draft No. 2, although there had been several
intermediate proposals.
that the meeting was held at short notice and several of the
northern Federations were unable to send delegates. Apparently
one of the reasons why those who did attend agreed to this
alteration was that there had been no mention of the re-intro-
duction of the hated "trespass" Clause and they were evidently
under the impression that this had now been struck out, which
they interpreted as a compensating improvement.

As a result of Chubbs' approach to Creech-Jones to find
out his attitude to the proposed changes Stocks was able to
write to Odgers on 17th February informing him that he (i.e.
Creech-Jones) supported the conclusions of the meeting and had
used his influence to help Chubb persuade both sides to accept
the new Bill. The landowners appeared happy to accept this
mechanism for permitting public access in order that they might
obtain the protection of the "penalty" Clauses. A drafting
committee made up of the promoters, the landowners' representatives and legal experts were engaged in preparing a
revised Bill, and as soon as it had completed its work it was
to inform Odgers. Perhaps then a further inter-departmental
discussion might need to be held.

(1) This statement was made in the Ramblers' Association memorandum on the amended Bill referred to above. However, it seems peculiarly naive for the delegates to have supposed this was the case without apparently questioning Chubb closely on it. After all, his reputation for defending their interests had never stood particularly high.

(2) Departmental File LU 2914.

(3) According to the report in The Times (21st February) this committee consisted of Chubb, Lord Harnsworth, Lord Crewe, Col. Buxton (all officers of the COSPPS), Creech-Jones, and Lord Radnor, Lord Essex, Brig. Clifton-Brown M.P. and Col. Heneage M.P. (representing the landowners). No ramblers' officials were included. The paper commented "the landowners have met in friendly and accommodating spirit the proposal for access, but they have naturally wished to make sure that this is combined with a reasonable safeguarding of the interests of property... the promoters of the Bill believe that the proposals will be accepted as a fair and reasonable arrangement".
The public attitude of the ramblers at this point could be summed up as suspicious and wary, but not yet openly hostile. Four days after Stocks' letter, on 21st February, the National Executive of the Ramblers' Association meeting at Hope passed a resolution in favour of the Bill, and public meetings were being held to demonstrate rank and file support. The biggest of these was in the Friends Hall in Euston Road on 15th February, when over 1,000 ramblers listened to speeches from Hugh Dalton (representing the Labour party), Graham White (the Liberal party) and Arthur Bessom (the Conservative party), as well as Morton, Royce and Stephenson. Nevertheless, some of the rambling leaders were less guarded in correspondence between themselves and seemed unhappy with the way things were going. Tom Stephenson wrote to Miss Robinson, the Secretary of the West Riding Federation, on 2nd February about his misgivings. "Our opponents are seeking to kill the measure, or have it so amended that it will be of no practical value,... The Ramblers' Association should emphasize that no trifling concessions can meet the situation. Freedom to take harmless exercise on all uncultivated mountains at all times of the year is the only possible solution. Nothing less can be accepted as satisfactory". Stephen Morton wrote "given a statutory right to the moors and mountains the rambler will be agreeable to certain other restrictions...... but he will expect that statutory right." Disentangling the sequence of events at this time it appeared that the confusion of the past few months was beginning to resolve itself, although it became

(1) See report in Manchester Guardian 16th February 1939. At least one other meeting was held in support of the Bill, in Leeds on 4th February.

(2) Both letters with Ramblers' Association. For comment and reports in Manchester Guardian during this period see: 3rd February; 8th March; 22nd March; 29th March.
clear later that this was more a lull before the storm. It was what happened after the middle of February rather than the events before which provoked the sudden and bitter change in the attitude of the Access lobby. In a letter to Dunnett at the Treasury on 25th February Mitchell pointed out that the officials of the House of Commons had told Creech-Jones that the Bill must be with the Standing Committee by 7th March at the latest or else it would have to go to the bottom of the list. Consequently there was a rush to complete the draft by the beginning of that month. In fact, on the 7th when the examination of the Bill began it was adjourned for a fortnight to allow more time for the negotiations to be completed.

A little later Stocks and Odgers wrote a memorandum to the Cabinet in which they gave a resume of the history of the Bill since its First Reading. It continued, "negotiations have now resulted in agreement", but emphasised that the new version was much longer and more detailed, and amounted to a completely different Bill. It pointed out that access might now be granted by two methods: either a landowner could voluntarily make land accessible as under Section 193 of the 1925 Act or the Minister responsible could make application for a specified area to be made accessible, holding a public enquiry if necessary.

The memorandum went on "The Bill is obviously a measure of considerable public importance and calls for a very careful consideration by the government. As a large measure of agreement on this contentious subject seems somewhat unexpectedly to have been reached we feel that it would be a

(1) Departmental File LU 2944.
(2) Ref. C.F. 57 (39) dated 28th February 1939, op. cit.
pliy to let the opportunity slip of enabling the general
current public to have increased rights of air and exercise subject
to reasonable restrictions for preventing damage being done
to the interests of those who own land over which the rights
are to be granted. We recommend therefore that the Cabinet
should give general approval to the new proposals". It closed
by pointing out that the government might have to review the
Bill's provisions and amend them at a later stage if it was
felt that they would be too costly or add excessively to the
work load of the civil service.

Even then not all official doubts about the working of
the Bill had been resolved. The Home Office's Legal Adviser
(1) minuted his opinion on 1st March that the whole principle of
the Bill raised important questions of criminal law, and on
(2) 3rd March the Parliamentary Counsel advised that Clause Two,
which specified the types of land to which the measure applied,
was ambiguous and likely to lead to trouble in its interpre­
tation. Sir John Maude, the Permanent Secretary of the Ministry
of Health, wrote to Fergusson (Ministry of Agriculture)
doubting this, and saying that if it was the case it "would
knock a big hole in the Bill". He added that he felt there
was a need for one national organisation to negotiate with
landowners, with the power to apply to the Minister for an
Order if all else failed. Only in this way could he see how a
limit could be put on the numbers of bodies who might get
involved. In the event, despite doubts over some of its Clauses,
(3) it was this final version (known as Draft No.3) which went

(3) In this draft Scotland had been removed completely from
the provisions of the Bill.
before the House of Commons Standing Committee in March as
the "agreed" measure, although the Ramblers' Association later
insisted that many of its alterations had not been accepted by
them. By now the main body of ramblers were well acquainted with
the proposed changes, and they did not like them at all.
A public meeting was held in the Geographical Hall in Manchester
on 20th March for the local ramblers to hear the opposing
arguments. Royce spoke against accepting it, and when Creech-
Jones rose to defend his position he was howled down by the
(1) audience and was not able to make himself heard. Other
protest meetings were held in Leeds, Liverpool and Sheffield
and at the AGM of the Ramblers' Association at Hope on 19th
March a resolution was passed condemning the revised Bill.

The Times had earlier printed a leading article violently
attacking the "churlish" attitude shown by some ramblers
over these new developments, and suggesting that as far as
any problem did exist it sprang from personal vendettas
between rambler and landowner, or from political
motivation. "Exceptional cases are easily magnified into
a general grievance, and it may be suspected that the main
impulse behind the Bill, at any rate in recent times, has
come from few individual quarrels recurring from year to
year. It is not difficult, for example, to imagine some
easily accessible hill-top,...... where it has become
a point of honour for a cantankerous landlord to assert
his rights of ownership, and for a mob of young men and
women - hatless, raucous, yellow-jerseyed, slung with
concertinas - to assemble of a Sunday for the purpose of
asserting their rights of access. The hill-top,...... is now
a symbol of human freedom or alternatively of the
sanctity of sport and property." (7th March)
In a letter published the next month a Mr. Haywood
commented that the ramblers were "acting like jealous
boarding school girls to smash the Bill because they do
not like one of its clauses." (The Times, 29th April).
The question of what categories of land should be made open under the provisions of the Bill was important in relation to the large areas of water gathering grounds located in mountain regions, and here it is necessary to digress briefly to consider the negotiations between the government, the Bill's promoters and the water undertakings, which ran in counterpoint to the main sequence of events.

Although the water undertakings were not party to any of the earlier discussions which centred upon the Commons Preservation Society they were very concerned by the threat that general public access would pose for them. Therefore both the Association of Municipal Corporations and the British Waterworks Association began to exert pressure on the Ministry of Health after the Second Reading of the Bill in an attempt to protect their interests. On 10th December 1938 Sir Henry Fritchard (Secretary of the Association of Municipal corporations) wrote to Sir John Maude, asking that the Bill should be so amended to exclude all gathering grounds of water undertakings. As little progress had been made by the time the revised Bill had gone in front of the Standing Committee the BWA requested that the Minister should meet a Deputation to discuss the problem and a meeting took place on 23rd March 1939. (1)

The memorandum submitted by the Association emphasised that by both Act of Parliament and in common law its members were compelled to supply "pure and wholesome" water, and that this could only be done effectively by two complementary methods - the treatment of water, and the prevention of contamination on the gathering grounds. To help in this, "with the aid and

(1) Printed as Circular No. 21 by BWA (April 1939).
counsel of the Minister of Health and the approval of parliament and in face of fierce opposition from other landed interests, water supply undertakings have spent huge sums of money in the acquisition of land for the express purpose of safeguarding their water supply sources from pollution. This outlay was put at £6 millions.

It went on to point out that at the very time when the Access Bill was first presented to parliament the Ministry had also issued a Circular to all undertakings reminding them of their responsibilities for the provision of pure water. Because in the opinion of the BWA "no restrictive measures other than absolute prohibition are of the slightest value, it demanded the absolute exclusion of all gathering grounds owned by water undertakings and sufficient safeguards for any other land which formed an integral part of any catchment area.

Just prior to the deputation Stocks had written to Sir John suggesting that rather than mediate between the two sides it would be more sensible for the representatives of the water undertakings to meet directly with the Bill's promoters to try and thresh out the problem, and such a meeting took place on 3rd April. By this date however the Standing Committee had almost finished its consideration of the Bill and there was little scope for the BWA to win any concessions from its promoters. However it was agreed in the Standing Committee that an appropriate new Clause might be added at the Report

(1) Para. 17.
(2) Letter from Ministry of Health on 30th January 1939, Circular No. 1771 which endorsed the Memorandum No. 221 originally issued 12th March 1938. This memorandum was issued following the typhoid outbreaks in Croydon which caused the deaths of several people.
(3) Para. 31.
Stage to meet the legitimate fears of the water authorities, if agreement could be reached between them and the Ministry. Maude wrote to Stocks on 6th April 1939 giving his opinion that the best solution was for the Ministry of Agriculture to inform him of all applications for access which appeared to affect any gathering ground, and for the Ministry of Health then to contact the undertakings concerned to assess the risk involved before negotiating on their behalf with the Ministry of Agriculture. In the end the procedure adopted was less complicated than this and simply gave the responsible Minister the power of varying or refusing an Order if there appeared any danger of pollution of water supplies belonging to any statutory water undertaking. This amendment was accepted by the Bill's promoters and was moved at the Report Stage by (1) Creech-Jones, being incorporated as Clause 9 in the Act.

(1) 346 HC Deb. 5s 698 21st April 1939.
Standing Committee B was given the task of examining the Bill and a number of Members interested in Access were added to this Committee's membership increasing it to 66 in all, although when it first met on 7th March only 34 were present. At this meeting Creech-Jones explained that in common law "it is broadly true that the public has no legal right to wander over large tracts of land in private ownership". Whereas to rectify this position the original Bill had merely been a declaration of public right, with provision against a few abuses and little more, the amended scheme suggested that a definite arrangement could be made with a view to securing access and regulated enjoyment by the public. It was based on Section 193 of the Law of Property Act and aimed at satisfying four points:

These were:

1. eliminating the ambiguity surrounding the definition of open land,
2. the avoidance of any material loss to the landowners,
3. easing the strain on the Ministry involved by its gradual introduction, and
4. being applicable only to those specific areas where access was needed and could not be acquired by other means.

It should be pointed out that apart from the account of the Committee's first meeting its deliberations are considered thematically rather than chronologically, and the progress outlined occurred over the course of four subsequent meetings, on 21st, 28th and 30th March and 4th April. The deliberations of the Committee can be traced in the Standing Committee Reports 1938 - 1939 cols. 1460 - 1613.

These included Brig. Clifton Browne, Mr. A Bosson, Commander Fletcher, Capt. Heilgers, Col. Henage, Mr. A Creech-Jones, Mr. G Hander, Mr. F Marshall and Mr. F Noel-Baker.

At the four other meetings the numbers in attendance were: 30; 38; 30; 30.

Ibid. 1464.
Landowners could either deposit a deed allowing access over his land and in return secure compensating safeguards, or he could apply to the Minister for an Order restricting access for specified reasons. In the event of a landowner making no move, a local authority or other interested bodies could equally apply to the Minister for the granting of an Access Order. Provision was made for a public enquiry if the Minister considered it necessary, either in the case of an application for exclusion or one for access. Access Orders could be changed at the discretion of the Minister to suit varying circumstances, and they would place no obstruction upon any plans for future development.

In addition Creech-Jones briefly gave the reasons for other changes of detail. The regulation of hours of access was to allow the ordinary law of trespass to operate during the night as a safeguard against poaching, while access for artistic or scientific purposes had been left out in order not to complicate the measure unduly. In any case it was felt that for such purposes individual arrangements would be perfectly sufficient. Finally, Scotland had been excluded because there appeared no likelihood of any agreement being reached between the bodies concerned there and thus the provisions of such an agreed measure could not apply. He pointed out that negotiations were still proceeding "with the utmost good will and with a fine spirit of accommodation on all sides" in order to arrive at an acceptable compromise, but that there were still some points at issue. Therefore he proposed that the Committee should limit itself to a general discussion on the first section and then adjourn for a fortnight to allow time for the rest of the measure to be finalised.

(1) Ibid. 1467.
Mr. Ramsbotham, the Minister of Pensions in the government, commended Creech-Jones on his "very high qualities as a negotiator" and his "rational spirit of sweet reasonableness" in these efforts to secure an uncontentious version of the Bill.

He remarked that because of the difficulty of doing this "the net result is... that barring the first two lines of the Bill as it was before the House and the last two lines, nothing whatever is left". He saw the choice of two approaches before the Committee. It could either start immediately on its detailed examination of the Bill, which might result in the government having to seek numerous amendments at the Report Stage and thus jeopardising its survival, or it could adjourn after a preliminary discussion, which the negotiators could then take into account in framing their proposals. He continued "It is... the view of the government that it would be a great pity to let this Bill go, or to endanger it after having achieved almost a miracle of agreement", and later "The government would like to see it made into a good Bill - so that we can have on the Statute Book a measure which will give the public increased right to fresh air and exercise." Geoffrey Mander supported this call for an adjournment in the hope that agreement might be reached - "I always felt that in the form in which it came before the House it really had no chance of passing by agreement. A majority behind it did not exist nor was likely to exist." (3)

In the main the opposition was content at this stage to keep its powder dry, and merely fired a few warning shots across Creech-Jones' bows. Brigadier Clifton Browne suggested that the question of how to make compensation for loss or damage without

(1) Ibid. 1468.
(2) Ibid. 1470.
(3) Ibid. 1473.
financial charge was going to be a difficult one to solve and Colonel Heneage warned that at any resumed discussion he would insist upon suitable safeguards for water gathering grounds, but otherwise no great point of criticism was made. The Committee then adjourned until 21st March.

When the Committee met again it had before it the task of examining what amounted to a completely new Bill which extended over fourteen pages, as compared with the two pages of the original. It appeared that significant alterations had been made even at the last moment because Colonel Heneage complained that "it has all be rushed through in a few weeks, and a complete re-drafting of the Bill has taken place over the weekend." He pointed out that some water undertakings had still not received notification of these latest changes much less had a chance to study them, and therefore requested a further week's adjournment. His plea was rejected and the Committee turned to the task of debating the numerous amendments. In fact most of the Clauses, the majority new ones extracted from the agreed draft, were accepted without prolonged discussion.

The main argument revolved around three particularly controversial matters, which may be loosely termed the "Gathering Grounds" problem, the "Penalty" problem, and the "Trespass" problem. Those which were agreed without dissension were Clauses 3 (the procedure for making Access Orders), 4 (the procedure for the notification of such Orders to local authorities),

(1) This problem was in fact largely overcome by the insertion of part (c) in Sub-Clause 5 of Clause 3, which declared that in the likelihood of damage or loss occurring through the granting of an Access Order, this was sufficient ground for the Minister to refuse to grant one. There was no lengthy discussion on this point.

(2) Throughout the Committee's discussions Col. Heneage's contributions were noted-worthy for their tetchiness and hostility.

(3) Ibid. 1489.

(4) If this had been granted, it would have virtually meant the end of the Bill - a point of which he presumably was aware.
5 (the powers given to the Minister to close Access areas when a fire hazard existed), 8 (which protected the owner's right to develop or otherwise make use of his land), 9 (which allowed certain local authorities to contribute towards the expenses of securing public access), 10 (which defined the powers of the Minister to make regulations) and 11 (the Bill's short title and date of commencement).

Of the others, Clause 1 was agreed after some discussion over the exact reasons for the limitation it imposed upon hours of access and Clause 2 was deemed at the first meeting to be unsatisfactory as regards the proper definition of what constituted "mountains". It was altered by the time of the last meeting so that it stated simply that land to which the Bill applied "shall be land which in the opinion of the Minister is mountain, moor, heath or down", and this form of words was agreed.

The problem of ensuring adequate protection for catchment areas came up at the meeting on 30th March. Unfortunately Col. Henage, the spokesman for the water undertakings, was unable to attend and his strenuous objections had to be put to the Committee on his behalf by Mr. Hutchinson, supported by Col. Acland-Troyte. The case for the undertakings was either that all gathering grounds should be completely excluded from the provisions of the Bill, or if they had to be included, powers to vary any Order in respect of gathering grounds should

(1) See page 299 above.
(2) Ibid. 1898.
(3) Ibid. 1887-1869.
(4) He had sought unsuccessfully at the previous meeting for a further adjournment because of this, but had been opposed by both Ramsbotham and Brig. Browne. The latter was particularly anxious for the Bill to complete its Committee Stage. (see ibid.1584).
be given to the Minister. However, arguments were advanced against this to the effect that no special privileges should be granted beyond those which applied to all other landowners. Mander declared that "if special privileges are given in the case of catchment areas it will strike at the root of the Bill" and he pointed out that if total exclusion was insisted upon, the whole Pennine range could be effectively barred to the walker. It was decided eventually that certain safeguards should be made, but that these would have to await the outcome of the meeting between the British Waterworks Association and the promoters of the Bill, scheduled for 3rd April. Creech-Jones then promised to try and satisfy their legitimate demands at the Report Stage if the House would allow.

The question of defining those actions which contravened the provisions laid down in Access Orders and enforcing punishment was second only to the problem of trespass as a matter of contention. Clause 6 set out fifteen separate offences for which, under the provisions of the following Clause, a person could be fined £2 on summary conviction (except in the case of fire-raising, when the fine was to be £5 for the first offence and £10 subsequently). Mander was particularly upset by this list of misdemeanours and tried on two occasions to have them deleted. He first raised the matter on 21st March, when the discussion dealt with the first Clause. He wanted the deletion of paragraph (b) in sub-clause 1, claiming that if it were accepted "we are in danger of involving ourselves in some new Enclosure Act." In his judgement the remedy for anti-social

(1) See page 295 above.
(2) Ibid. 1490-1492 and 1497.
behaviour should be the right of the owner to apply for the rescindment of the Order. All responsible rambling bodies would guard such rights of access jealously and seek to educate their members in standards of acceptable behaviour. The Committee rejected his motion after Creech-Jones pointed out that the paragraph was required not only to safeguard the owner vis-a-vis organised ramblers, but also local authorities and "ordinary" citizens. Mander returned to the point on 28th March when Clause 6 itself came up. He criticised the list of offences, which ranged from unauthorised hunting to making political speeches, for being in some cases "petty" and in others too loosely defined. For example he asked, what did "disorderly behaviour" mean? Did it mean walking in Indian file, or alternatively that ramblers should not "form fours"?

He was supported on this occasion by Neil McLean, who pointed out that most of the offences were already such under the common law, so why did the Bill have to re-iterate them? In answer to Mander's doubts Morgan Price pointed out that the wording of the Clause specifically stated that the offences were only committed if the person concerned did not have the requisite authority to perform them. Thus the likelihood of open-air rallies or commemorative services of the sort many rambling and climbing clubs hold on Armistice Day being outside the law would not arise as long as the necessary authority had been sought and obtained. The majority of the other members appeared equally unswayed by Mander's pleadings and when a vote was taken on his motion to delete Clause 6 as it then stood it was lost by 26 votes to 4.

(1) Ibid. 1498–1509.
(2) Ibid. 1630–1544.
(3) Ibid. 1637.
The crucial debate on trespass took place on 30th March, when Fred Marshall moved that the word "unintentional" should be deleted from the wording of sub-clause 1 of Clause 7. He spoke of the strong feeling on this particular point and said that the rambling organisations wanted a new law of trespass introduced, even if it related only to those areas covered by Access Orders. They considered this provision in the Bill both unnecessary and unjust, and a likely cause of resentment and friction. They wished for it to be removed or made innocuous and for the old law to apply still. He explained that "the rambling community takes the attitude that if this amendment were passed, they would swallow all the other things, much as they dislike them", and that "they are waiting anxiously for a gesture of good-will and friendliness" from the other side.

Creech-Jones replied that he fully appreciated the ramblers' feelings, and indeed had explained them at length to the landowners during their discussions. But he felt that the ramblers for their part should appreciate that the whole point of the Bill was that it was a reasonable compromise, and that this restriction was the necessary price to be paid for the public winning a new and wider privilege. One had "to satisfy the quite legitimate claims of the other fellow". In fact he did not foresee any great injustice being done because the ramblers would no longer be in direct conflict with the landowner but could look upon the Minister as a moderating influence. There

(1) Ibid. 1570-1581.
(2) Although the text of the Act appears as an Appendix, it will facilitate the reading of this part to quote the relevant sentence in full. "Provided that a person shall not be guilty of an offence under this section by reason only of an unintentional trespass constituting a contravention of a condition specified in an Order so made."
(3) Ibid. 1572.
(4) Ibid. 1573.
(5) Ibid. 1577.
would be no disposition "to carry a provision of this kind to such extreme lengths that a whole series of prosecutions would occur." Other members rose in defence of the agreed wording.

"Why object?" demanded Brig. Browne, "we want to stop intentional trespass", a sentiment in which Mr. Ramsbotham concurred.

Morgan Price believed that, far from being objectionable, the word "unintentional" was likely to be the salvation of the law-abiding rambler in that it allowed inadvertent blunder to constitute a legitimate defence in any proceedings.

Mr. Hutchinson said that it appeared quite reasonable to him for these new restrictions to apply to land within Access areas, in place of the old law of trespass. He suggested that as there was such an unfortunate connotation surrounding the actual word 'trespass' perhaps some less emotive term such as 'contravention' could be inserted in its place, but Marshall felt that juggling with words did little to remove the deeper grievance.

Hander and Ritson were the only other members who supported Marshall in his plea, and it was clear that the mood of the Committee was against them. Marshall therefore appealed to Creech-Jones to endeavour to seek some other change in the wording which could be introduced at the Report Stage that would make it less hostile in the eyes of the rambling community. No such assurance was given, and the Clause was finally agreed by fourteen votes to seven.

(1) Ibid. 1576.
(2) Ibid. 1574.
(3) In much of the discussion on this there appeared on the part of the landowners' spokesmen to be a lack of appreciation of the argument brought forward by Marshall. They did not seem to understand that ramblers were trying to defend their recourse to intentional but harmless trespass, and assumed that their objections were to being prosecuted for being on Access land owing to unforeseen delay or faulty map-reading. They saw that the word "unintentional" protected ramblers against this danger, and therefore found it difficult to understand that they were complaining about.
Once this point had been resolved the rest of the amendments were dealt with rapidly, and on 4th April work on the Bill was completed amidst general congratulations to Creech-Jones and Sir Lawrence Chubb and his Society for their efforts in achieving such a measure of agreement. The Committee reported the outcome of its deliberations to the House of Commons the same day.

7. **THE EVENTS BETWEEN 4TH AND 21ST APRIL 1939.**

The Report Stage and Third Reading were arranged for 21st April and during the intervening fortnight moves were made to try and obstruct the Bill as it had been agreed in Committee unless the 'trespass' Clause was removed. The Access Sub-Committee of the Ramblers' Association met on 16th April at Bradford and agreed unanimously that the Bill as it stood should be opposed. As insufficient time remained for the full National Executive of the Ramblers' Association to meet, Phil Barnes proposed that an open letter be sent to the press and any MPs who could be reached before the 21st giving the reasons for their change of attitude. He wanted it signed by as many of the better known supporters of the cause as was possible. In his letter to Tom Stephenson appealing for his signature Barnes wrote that "It has taken a long time to convince the others that this silly measure should be opposed and it may now be too late but it will be something if we can publicly disassociate ourselves from it before the 3rd Reading."

(1) 345 HC Deb. 5s 2625.
(2) Letter dated 17th April 1939 with Ramblers' Association.
Royce circularised all the Federations informing them of the Committee's decision and giving the reasons for it. He enclosed a copy of the proposed letter and asked for them to indicate immediately by telegram whether they approved it.

If they did he asked them to write to their local MPs requesting their attendance at the House to vote against the Clause.

In his capacity as Secretary of the Sheffield Federation Stephen Horton also wrote to Mr. Attlee, the Leader of the Labour Party, seeking his co-operation in preventing its incorporation in the Bill. "I have been informed that members have received the Whip for this Bill; may I urge that care should be taken to see that the Trespass Clause is deleted, or else your votes for the Bill will be most unpopular."

On 18th April the open letter was issued to the press and MPs. It sketched in briefly the alterations in the original Bill which the ramblers had reluctantly agreed in order to placate the opposition. "But", it went on, "these modifications apparently have been insufficient and during the Committee Stage further restrictive clauses have been added, including one which will make simple trespass a punishable offence....

(1) Letter dated 17th April, with Ramblers' Association.
(2) Twelve constituent Federations of the Ramblers' Association recorded their support. In addition the Manchester Federation (still independent) and the Peak District and Northern Counties Footpaths Preservation Society passed resolutions in support of this action and forwarded them to the Ministry of Agriculture. (Departmental File LU 2014). The PD and NCFPS also wrote to sixty north-country MPs asking for their support.
(3) At least one Federation — the West Riding — issued its own circular to members asking to write to their local MPs (copy with Ramblers' Association).
(4) Letter dated 18th April, with Ramblers' Association. Copies were also sent to Arthur Greenwood, Philip Noel-Baker and Fred Marshall.
(5) Copy with Ramblers' Association. It had been signed by the following people: — Ernest Baker, Phil Barnes, Alfred Brown, Professor Joad, Stephen Horton, Miss Lillian Robinson, Edwin Royce, Alfred Sclater, Kenneth Spence, Tom Stephenson, Walter Tysoe and GNH Ward.
Such a clause has been vehemently opposed by the ramblers' organisations since it was first mooted. It argued that as harmless trespass was not at that moment a crime the insertion of this Clause would be a retrograde step, particularly when seen in relation to the powers the Minister would have to impose however many restrictions he saw fit. It closed by repeating that the Bill as it now stood was not an "agreed" measure, and "we therefore urge all lovers of freedom in our parliament to oppose it unless the objectionable features are withdrawn." This last-ditch attempt to save the substance of the Bill met with mixed success. Fred Marshall, Geoffrey Mander, Chuter Ede and Sidney Silverman all promised to oppose the Clause at the Report Stage but the Access lobby apparently failed through lack of time to persuade a significant number of Members to attend in order to vote against it if a Division was forced.

A pertinent question to ask at this point is why the lobby had taken so long to decide upon its course of action? The Standing Committee had reported back on 4th April and yet no response appeared to have been made until the Access Sub-Committee's meeting on the 16th. Neither correspondence, publications nor departmental records help to explain what happened during this crucial period, and it seems certain that little indeed was done. Evidence to support this claim can be found in a letter from Royce (the Convener of the Sub-Committee) to Alex McIntosh, the Chairman of the Association, on 15th April.

(1) See page 314 below.
(2) With Ramblers' Association.
He began "I have not previously replied to your letter of the 4th inst., urging that the Access to Mountains Committee should very carefully watch the progress of the Access Bill" and explained why he had not yet read the report of the Standing Committee. "I made the mistake of expecting to find this in "Hansard", but should have asked for the Standing Committee's Debates which are published separately. However, Mitchell has sent two of these, for Thursday, March 30th and Tuesday, April 4th. These only came to hand this evening and have not yet been studied very fully." It is reasonable to assume therefore that there was a general dilatoriness on the part of the leading rambling officials which could be only partially recouped by a spurt of activity during the final few days before the Report Stage. Presumably if the time had been put to better use Fairclough, the Organising Secretary of the Ramblers' Association, would not have had cause to write to Mitchell as he did on 18th April about Barnes' request to post (1) a copy of the open letter to all MPs. "I have sent the following wire to Barnes: 'Regret cannot undertake responsibility without executive authority'. I do not agree with these last minute decisions, without full consideration, and in any case would not take any action without your confirmation". (2)

At the Report Stage various fresh amendments to the text of the Bill were agreed, including the Clause mentioned earlier which gave the required protection to water undertakings, and special restrictions to prevent the risk of fire during periods

(1) With Ramblers' Association.
(2) 346 HC Deb. 5a 697-784, 21st April 1939.
(3) Ibid. 697-698.
of dry weather. One other amendment which sought to remove "sheep walks" from the lands to which the measure applied was defeated. If this had been inserted it would have effectively eliminated large tracts of hill grazing from the scope of Access Orders. Geoffrey Mander also raised the question of preserving existing rights once the Bill took effect. He was concerned lest the owners of erstwhile accessible land should seek to use the provisions of the Bill to restrict this freedom. It was pointed out however that such freedom, although grounded in custom, had no legal foundation and within the strict terms of the Bill could not therefore be 'preserved'. Mander then agreed to its withdrawal on obtaining a promise from Creech-Jones that the promoters would seek to "do something about it" at a later stage.

It was then that the controversial "trespass" Clause was reached. Marshall again moved, as he had done in Committee, that the word "unintentional" should be deleted, arguing that this would abstract both deliberate and innocent trespass from the Bill's penalties. He said "the ramblers believe that this is the most vital part of the Bill. They believe that a great and fundamental breach is being made in the law of trespass, and they are offering their most vigorous opposition". He detailed the strength of this resentment against an alteration which "they feel strengthens the law of property, places barriers round the land and gives to the landowner...... an instrument by which he can defend his ownership by vindictive penalties", and appealed to the representatives of the landowners to make a gesture of good faith in accepting his amendment.

(1) Ibid. 719-724.
(2) Ibid. 701-707.
(3) Ibid. 712-719.
(4) Ibid. 729-730.
(5) Ibid. 731.
Chuter Ede insisted that by such an amendment "the landowning classes are getting... a thing that the old landlords' parliaments would never have given them in the eighteenth century" and went on "surely so fundamental an alteration in the law of England as this ought not to be slipped in as a final amendment in a private Member's Bill as a result of some compromise arrived at, not upstairs, but mainly between the various landowners' associations and the Commons and Footpaths Preservation Society." Geoffrey Mander made the same point that the House should not be bound by this agreement between the interested parties and argued that as the 'real' promoters of the Bill were the ramblers, then their views should receive special attention. He quoted from the open letter sent to Members and added that he, like others, had received up to six separate communications on this point from different rambling bodies.

In his reply to Marshall's plea Creech-Jones stated quite openly that although he recognised that this amendment was the most contentious in the whole Bill he had "entered into an agreement with the landowners in the hope that this Bill will be carried through the House", and therefore could not support any change. He argued that regulated access would remove the "anarchy wherein everyone would feel that he was fully justified in violating the law according to his own whims and wishes" and went on to point out that the law already did punish trespass under certain conditions such as during an outbreak.

(1) Ibid. 737.
(2) Ibid. 738.
(3) Ibid. 740.
(4) Ibid. 738.
(5) Ibid.
of foot and mouth disease, or on land bordering a reservoir. It was far preferable to trust the Minister in this respect to exercise his power to determine access upon criteria set down by parliament and open to public scrutiny. The Attorney-General, Sir Donald Somervell, gave his opinion that the compromise reached by Creech-Jones was not such a bad one as had been generally made out. It would apply to areas over which the Minister had made an Order allowing access and would not affect trespass in areas not so covered, and it also distinguished between inadvertent and deliberate acts. "The clause only deals with cases where there is a deliberate invasion of a part of an area which has been excluded for special reasons of a public character which may seem good to the Minister." He went on to compare the position under this Bill to that under Section 193 of the Law of Property Act as it applied to commons, and pointed out that the position under the latter was more stringent insofar as it made no provision for inadvertent trespass. Noel-Baker, long thought of as being sympathetic to the Bill, then spoke in support of Creech-Jones' position, claiming that "I regard this incursion into the law of trespass as a restrictive evil, which, I think, is the price of the Bill." Despite the pleadings of ramblers' supporters...

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(1) This was a specious argument of course, and one that imputed to his opponents views which they did not hold. He failed to distinguish between 'criminal' and 'harmless' trespass, and no supporter of the Bill had ever criticised penalising the former sort.

(2) Ibid. 741-742.

(3) In fact there was nothing in the wording of the Bill which could substantiate this statement, harking back as it did to memories of the Mass Trespass Campaign.

(4) Presumably in the knowledge that one of the earlier drafts which had been accepted by the ramblers had been based on this Section.

(5) Ibid. 745.
the majority of the House appeared to feel likewise, for the amendment was finally carried on a division by 86 votes to 70. Amongst those who voted for it were Dalton, Noel-Baker, and Morgan Price, while absent were other supporters of the original Bill such as Ellen Wilkinson, Ellis Smith, Graham White and Cecil Wilson.

The Third Reading followed immediately on the completion of the Report Stage, and was largely confined to perorations in praise of Creech-Jones' endeavours bringing the Bill thus far. Three of his dauntiest opponents - Col. Heneage, Capt. Heilgers and Brig. Browne - all pronounced themselves reasonably satisfied with the measure as it now stood. Col. Heneage remarked that "although I am sorry that this Bill has been necessary, I think it will do a great deal of good both from the point of view of the countryside and the fitness of the people", and Brig. Browne stated that "The Measure will be of great advantage to hikers, whose rights in the past have not been clearly stated." Creech-Jones rose to accept these plaudits and in turn thanked all those, particularly the Commons Preservation Society and the government advisers, who had assisted him. He continued "I appreciate the fact that there is some disappointment in regard to certain Clauses, but I feel that, on the whole, it does record a considerable public advance". "I hope that the Bill will prove of enormous advantage to ramblers. I appeal to them to use its provisions."

(1) Ibid. 747-748.
(2) Ibid. 749-753.
(3) Ibid. 750.
(4) Ibid. 751.
(5) Ibid. 752.
In such a genial atmosphere only Turton and Mander interjected any note of criticism. The former remarked sourly "I break into this symposium of mutual congratulations only in order to say that I do not share the views of those who have been congratulating each on the merits of the Bill. I regret the Bill, and I think we would be far better without it." Mander, for different reasons, also complained "...I do not like the Bill at all in its present form, and think it is very doubtful whether it ought to be allowed to pass into law...". The Bill was then read a Third time without a division, and passed on to begin its journey through the "other place".

The amended Bill as it left the Commons was greeted with mixed comment in the press. The News Chronicle condemned it out of hand in a leader entitled Defeat in Victory. "The skill with which the British governing class maintains its privileges was shown in the Commons yesterday, when a Bill giving freer access to moor and mountain was turned into a Bill which will in fact seriously limit such access." It ended "This is a sad conclusion to 50 years of campaigning when victory seemed in sight. If these things are done in the Commons, what shall be done in the Lords?" The Manchester Guardian voiced an equally unhappy opinion over the changes, although on the morning of the Third Reading the Daily Herald had taken a noticeably more moderate line. "It is a pity such severe amendments to the Access to Mountains Bill have had to be accepted in order to save it... But the Bill, which comes before the House again today, is still eminently worth having."

Reynolds News also claimed that although there was mounting opposition, particularly in the north, "some rambling organisations, although displeased by the way in which the Bill has..."

In this section I have largely ignored the arguments which took place about the detailed working of the Bill. This is partly because such arguments tended to be repetitious and partly because the previous pages should have given some clear indication of their substance. A summary of the case against the Bill, as set out by the National Executive of the Ramblers' Association in their pamphlet published in May 1939, and the text of a press release by Creech-Jones justifying his position are included as Appendices to help rectify this omission.

The conservative papers such as The Times and Daily Telegraph appear to have made no comment at this stage. (It was not until the 10th May that The Times made any mention of the Bill).

22nd April 1939.

21st April.

23rd April.
been twisted, feel however that they will be better off, and are not opposing it."

As it proceeded on its way through the House of Lords an atmosphere of dismay and bitterness descended upon the Access lobby, for the enormity of what had happened now stood out more starkly than ever. In the space of four months their hopes had been dashed and what was to be a 'charter for access' had, by a kind of hidden metamorphosis, apparently changed into a measure of denial. Their leaders had grudgingly conceded point after point in a forlorn attempt to preserve something of the original Bill, and yet in the end had not found the other side willing to accept the last of their demands. It was generally agreed that the Bill as it then stood was not likely to be amended in their favour by the Peers so that the struggle was effectively over bar the shouting. Stanley Baron commented on this feeling in his Saturday column in the News Chronicle on 6th May. "Since the Third Reading... a fortnight ago there has been in my correspondence at least one worried letter a day asking, 'Do we cheer - or don't we?' We don't. There have been a few Bills which have been fought for so long or so pertinaciously, and to understand the disappointment.... among ramblers it is necessary to recall the form in which it appeared when presented for its Second Reading." The blame

(1) The only evidence to corroborate this statement is that two Federations (not known which) voted in the postal ballot organised by the National Executive of the Ramblers' Association in May to accept the Bill - see page 308 above. If in fact it was correct I imagine it applied to rambling bodies in the south, who were less concerned with access to game moors.
for this "betrayal" fell not on those officials of the
Ramblers' Association who had been involved in the negotiations,
for it was felt that they had tried their best to preserve
the spirit of the original Bill and had also led the campaign
to secure its rejection if the 'trespass' penalty was to
remain. Rather it was directed at the two men who had openly
taken the credit for piloting the Bill through the Commons —
(1) Sir Lawrence Chubb and Arthur Creech-Jones.

They in turn defended themselves stoutly against this
rising tide of criticism. On 6th May letters from both
gentlemen appeared in the New Statesman in reply to a critical
editorial which the journal had published the week previous.
(2) Creech-Jones' letter was the first public statement he had
made of his position since the Third Reading, and as such
merits quoting at some length. He began unrepentantly —
"I take full responsibility for the Bill! I negotiated certain
of its principles and I exercised my own independent judgement.
I received invaluable help from Sir Lawrence Chubb, but
never did he or his Society make or attempt to make me their
docile medium in this matter" — and then proceeded to set out
the reasons for his course of action. He emphasised the
problems which faced any Private Member attempting to bring
forward a contentious Bill, and said "Within these limits I
had to work with an infinite number of interests — public and
private — without any majority or Whips in the Commons and

(1) Chubb had written to Stocks at the Ministry of
Agriculture on 26th April complaining about the animosity
exhibited towards him, and saying that "the attitude of
a section of ramblers has been very annoying and stupid".
(Departmental File LU 2914).
(2) 20th April 1939, p.635. (Although The Spectator did not
comment, The Economist also attacked the Bill, stating
that it was now no longer an Access Bill but one denying
it. (May 20th, p.427).
(3) 6th May, p.684-5.
aware that there was a Second Chamber. A Bill that was little more than a propaganda declaration... had to be transformed into a scheme which would implement the principle, regulate conflicting rights, give fair protection to legitimate rights in the land, and clearly define which lands the public could get legal access to." Then followed a lengthy exposition of how its provisions would affect ramblers. He conceded nothing, claiming that the 'costly and cumbersome machinery' was similar to that in the Law of Property Act, "which has given general satisfaction", that the limits likely to be imposed on access by the Minister would be the minimum necessary, and finally that the changes in the law of trespass were both partial and acceptable. Even if these were not so, "The operation of this limited point ought to be seen in its right proportion."

Such bold assertions naturally invited replies from his opponents, and the following week a sharp rejoinder appeared from Professor Joad, "I confess to being unable to understand the pained surprise with which the sponsors of this Bill profess to regard the dismay which it has aroused. For what else, putting it bluntly, do they expect?. Let me explain. For Sir Lawrence and Mr. Creech-Jones to say that the Bill is the best that could be contrived in the circumstances is not the point. Possibly, possibly not....What is to the point is

(1) Chubb's letter in the same issue was a straightforward rebuttal point-by-point of the case against the Bill. He closed by referring to the matter of trespass. Far from being a retrograde step he claimed that "the Bill itself makes a great and unprecedented alteration... for the benefit of the public, by enabling them to roam at large over land in private ownership. If the present law is to be regarded as sacrosanct, then any kind of Access to Mountains Bill must be ruled out." (p.684)

(2) 13th May, pp.730-740. Prof. Joad appeared to have been uncharacteristically silent during most of the early part of 1939. This letter is the first evidence of his interest in the controversy.
their contention that it is an agreed measure which represents a compromise. This is not so, the fact of the matter being that the original draft which did represent a considerable measure of agreement was killed by that mysterious Government official, "the able Government draftsman", and the present Bill forced through in spite of the opposition of ramblers.... Now this is a measure which we are expected to receive with gratitude and to acclaim as a triumph for the ramblers' cause. In fact, it is a setback from which the cause will not recover within our lifetime. If we had had no Bill, we should at least be no worse off than we were before....".

(1) A fortnight later Phil Barnes wrote..."it is a sorry outcome of half a century's struggle for access if those who ignore a notice board and who stray on to the heather, without causing any damage, are now to be made liable to prosecution." He added with malicious pleasure "That the original Bill was considered a 'badly conceived' Bill is again a surprise to me. It was, I understand, conceived in the first place by a Chairman of the Commons Society, but that was fifty years ago."

The Manchester Guardian, as befitted its tradition of support for the Access cause, also reflected these arguments as the Bill proceeded. Letters from both Creech-Jones and Chubb appeared in the paper, the former writing on 10th May setting out his case and stating once more that the measure was an agreed one, a claim which the paper refuted in a leader in the same edition. Chubb replied to this on 13th May.

(1) 27th May, p.324.
(2) He also wrote on 23rd May, to the same paper.
and on the same day a letter also appeared from Walter Tysoe, Secretary of the Liverpool Federation, which drew attention to another menace which lay in the Bill - the right it gave to keepers and their employers to act as their own police force.

"Nor is the alteration in the law of trespass the only objectionable feature of the Bill. Another clause in it gives to owners and keepers most undesirable powers only employed previously by the police. A keeper has only to think that a walker is committing an offence to be able to demand his name and address, and refusal to supply this is itself a second offence."

Comment in the press was only one aspect of the events taking place outside parliament while the Lords dealt with the Bill. The National Executive of the Ramblers' Association had met on 7th May and formally agreed to oppose the Bill and campaign for its rejection. A postal ballot of its constituent Federations had shown twelve in favour of this action and two opposed. It was also decided to publish a memorandum setting out in detail the reasons for this decision and to make it available to the public in pamphlet form. A copy of this was sent to each Peer and every Council member of the Commons Preservation Society.

It was also agreed that a deputation representing the Association should endeavour to see the Parliamentary Secretary to the Minister of Agriculture, The Earl of Feversham, in one

(1) This resolution was sent to the Ministry of Agriculture; the Camping Club of Great Britain associated itself with this, and informed the Ministry so on 19th May. (Departmental File LU 2913).

(2) Access to Mountains - A memorandum on the amended Bill by the Ramblers' Association (May 1930). (with RA) (Part of this appears as Appendix 6).
last effort to secure the removal of the trespass and penalty Clauses, and a meeting at the Ministry was eventually arranged for 15th May, a week after the Lords' Second Reading. The party for the meeting was made up of four Association and Federation officers (Mitchell, Ward, Barnes and Arthur Brown), Professor Joad and Fred Marshall, while the Ministry was represented by Stocks and Lambert. The Earl of Radnor, who had agreed to pilot the Bill through the Lords and had made the opening speech at the Second Reading, also attended to represent the government and Creech-Jones was invited to be present, but the ramblers made it clear that Sir Lawrence would not be welcome, possibly because they felt he had already done enough damage and because they feared the malign influence he appeared to exert over government thinking.

Arthur Brown presented a summary of the ramblers' case, stating that the present Bill was nothing like the original and was not, despite the many concessions of great substance, an acceptable measure in their eyes. In fact it was in many ways more beneficial to the landowning interests, and he cited its comparatively smooth passage through the House of Lords as proof of this. Apart from the problems of trespass and other misdemeanours he also pointed out that in practice if not theory only rambling organisations would be likely to take steps to obtain Access Orders, and this would throw a heavy burden onto their limited funds. He concluded by stating that

(1) A mass rally of rank and file ramblers was organised by the Progressive Rambling Club, a body with strong Communist affiliations, on 14th May at Leith Hill in Surrey to give public emphasis to the deputation's case.

(2) This account of the meeting is taken from the minutes, in Departmental File LU 2914.
If the Bill was to be based on the principle set out in Section 193 of the Law of Property Act, then they wanted it to be an "open countryside" version (i.e. after the fashion of Draft No. 1). Barnes then spoke of the menace now facing the "harmless" trespasser, and wanted changes made that would legalise rather than penalise his position. Finally Joad summarised their case, forcefully reiterating the points already made by Brown and Barnes.

The Earl of Radnor refused to accept the argument that the whole burden of obtaining Access Orders would fall upon open-air bodies for he believed that many landowners and local authorities would also make application. Neither did he agree that the expense involved would be great, especially if care was taken to specify large areas in order to spread the costs thinly. As far as the granting of access was concerned, he pointed out that one must assume the Minister "to be a reasonable person". Also he doubted whether the ramblers' leaders, in their understandable chagrin, fully appreciated the opposition which the Bill had had to weather in the Commons. Stocks took up the point about reverting to the original draft based on the Law of Property Act and said that this had already been answered during the earlier negotiations. It was not practicable to follow this because the whole point of the 1925 Act was that the procedure laid down in Section 193 applied to known lands (i.e. commons), whereas the sort the ramblers were asking for would have to apply to unknown lands - hence the need for Ministerial Orders to specify areas.

It was clear from all this that the government was unwilling to concede anything as far as the working of the Bill was concerned, so Fred Marshall suggested as a last resort that when it finally took effect it should be tried first without the penalty or trespass restrictions, to see how it might work.
Radnor flatly rejected this proposal, saying that no such change was now possible as the Bill was an "agreed" measure and was only proceeding on that understanding. Its provisions would apply equally "against ill-disposed landlords as well as misbehaved ramblers." The deputation then informed him that in light of his statements "they would rather not have any Bill if the penalty clauses were to remain". Radnor replied that he was sorry they felt obliged to take this attitude but he hoped they would agree to co-operate in the working of the Act once it took effect. As the deputation left the Ministry it therefore appeared nothing could be done to salvage the situation. A week after the meeting Alex McIntosh, the Chairman of the RA, wrote to the Earl of Feversham regretting the lack of progress there had been and reminding him of the intense feeling that still existed towards the Bill, and the need for landowners to secure the good will of the rambling community. He hopefully repeated the proposal made by Marshall, suggesting that a suspensive Clause was added delaying the operation of the Trespass Clause for five years to see how the Act worked without it.

It was at this point that a sudden and rather surprising turn of events took place which seemed to indicate that the force of the ramblers' opposition had not gone unheeded. In a letter to Fred Marshall dated 24th May Feversham informed him that following the deputation's visit to the Ministry further consultations had taken place between his officials

(1) Departmental File LU 2914.
and the promoters of the Bill, and it had been agreed to amend the trespass Clause slightly, if the House of Lords (1) would allow, in an attempt to improve the situation. The effect of the proposed change was that, unless it was essential to the public interest, the Minister's original Order under Clause 3 would not make it an offence to enter into land from which the public were excluded, either permanently or temporarily, subject to his having the power to issue an amending Order making it an offence if it could be shown that this was necessary to prevent continued violation of the conditions or limitations imposed in the original Order. The Earl of Radnor, supported by Lord Addison, had undertaken to move this amendment during the Committee Stage of the Bill, arranged for 6th June.

Creech-Jones expressed himself well satisfied with this development. Writing to Stocks on 27th May he said "I sincerely hope that this will put the ramblers' fears to rest." Apparently, however, it had not all been quite so sudden as it first appeared, for he had written to Stephenson the day previous saying "I can now reveal as a result of some months of effort that I have succeeded in negotiating an amendment... in respect to the trespass clause." He went on "It may not give complete satisfaction but I hope you will agree that with

(1) The information contained in Creech-Jones' letter to Tom Stephenson on 26th May (see below) appeared to contradict this statement. If Creech-Jones was right, presumably the Minister thought the pretence that the amendment had been agreed after 16th May was a harmless concession to the feelings of the deputation.
(2) This summary of the amendment is taken from Creech-Jones' letter to Stephenson, altered slightly for grammatical purposes.
(3) Letter in Departmental File LU 2914.
(4) 26th May, letter with Ramblers' Association.
the goodwill of the ramblers, it marks a real improvement on the position of the Bill as it left the Commons." In the same letter he also stated that one other improvement had been gained, strengthening the position in regard to private land to which the public already enjoyed the right (or as he put it, the "privilege") of access. It may be recalled that Geoffrey Mander had raised this point during the Commons' Report Stage without success, but he had persevered in his efforts and apparently had won this further concession. (1)

At this late stage clearly some were glad to clutch at such straws. Marshall wrote back to Feversham on 27th May telling him of his pleasure and remarking "I feel sure that the modification you suggest will make the Bill far more acceptable to the Ramblers' Association". Others were not so happy, however. Royce wrote to the Manchester Guardian on the morning of the Committee Stage claiming that the changes suggested were still not acceptable to the majority of ramblers, a view the paper itself expressed the next day in a leading article. (2) (3) (4)

(1) See letter from Mander to Creech-Jones on this matter, 1st May 1939 (Departmental File LU 2914).
(2) Letter in Departmental File LU 2914.
(3) 6th May.
(4) 7th May.
9. THE PROGRESS OF THE BILL THROUGH THE HOUSE OF LORDS, AND ITS ENACTMENT.

After leaving the Commons the Bill was laid before the House of Lords for its First Reading on 29th April. An omission in the printing of the Bill had the effect of completely altering the intended meaning of Clause 7, for the word 'not' was left out of the sentence relating to unintentional trespass so that it read "A person shall be guilty of an offence under this Section by reason only of any unintentional trespass....". This therefore made any intentional trespass permissible, but unfortunately for ramblers this error was corrected in time for the debate on the Second Reading on 9th May.

This debate was short, and seemed to indicate that there was little their Lordships wished to say on the principle of the Bill. They had in front of them the 'new' one of course, detailing the mechanism for obtaining Access and replete with safeguards, limitations and penalties, so they probably felt there was little for landowners to fear from it. It was in fact passed without a division at the end of the debate. The concensus of opinion was that on the one hand a substantial gesture of good-will was being made towards the urban population, in keeping with the sentiments of the National Fitness Campaign, and that on the other a situation which some felt badly in need of improvement was at last being regularised. This was particularly the view about trespass, for several Peers spoke of the 'chaotic' state of the law on this issue and argued that the Bill would, in a limited

(1) 112 HL Deb. 5s 707.
(2) 112 HL Deb. 5s 969-997.
(3) In all ten Peers spoke.
way, improve upon this. The defence of the grouse-shooting interests which might have been expected failed to materialise, and the danger that most concerned their Lordships arising from increased access was that of moor-fires. Even here it was felt that the special provisions now incorporated in the Bill to deal with this menace were adequate.

The Earl of Radnor, opened the debate by pointing out that the original Bill presented to the Commons needed drastic amendment because "it did little more than affirm the desire of those who wished to ramble, and it ignored all the necessary difficulties and details which would be involved in the fulfilment of that desire." He described briefly the course of the ensuing negotiations which had sought to regularise the position both of the organised and individual rambler, especially in view of the impetus given to the pastime by the government's Fitness Campaign. The two major difficulties he saw in framing an acceptable measure were avoiding the need to compensate for material loss, and establishing a satisfactory definition of the sort of land covered by its provisions.

Bearing these points in mind he then went through the Bill explaining how it was intended to work.

(1) See remarks by the Marquess of Crewe. "I cannot say that I have ever regarded the existing law of trespass as anything specially sacred, or inspired by special wisdom... the whole question of the rights and wrongs of trespass have remained in a very unintelligible state..." (Ibid. 982).

(2) See remarks of Viscount Swinton. "A great deal of nonsense has been talked in the past about the danger of disturbance to game... I do not think one need bother much about disturbance." (Ibid. 990).

(3) Ibid. 969-976.

(4) Ibid. 969.

(5) This last statement appeared to be some distance from the truth. See the Section on the Growth of Rambling in Chapter Seven.

(6) Both these points had been attended to in the Commons. The matter of defining land I would not have thought was a "major" difficulty.
When he came to the "trespass" Clause he argued that the contention that it worked a deep and regrettable change in the law was far from the truth. What it did was to set out a new law of trespass to cover land which would not have been, in the absence of the Bill, open to the public. That being the case he saw no harm in accepting a penalty which did not exist before in exchange for rights which also did not exist before. In addition he pointed out that as a Ministerial Order was to all intents an Order of Parliament, then it was only to be expected that non-compliance with its provisions should involve "certain pains and penalties".

The Minister was supported by Lord Addison, who devoted most of his speech to the significance of the error in the wording that had already been corrected. The only point of principle he raised was to question whether, if a landowner did any of the things mentioned in Clause 8, particularly those specified in sub-clause (a), the land would immediately cease to be covered by an Access Order. Following his speech the debate proceeded, in the words of the Earl of Radnor, as "a chorus of approval". Included amongst the speakers were the Marquess of Crewe and Lord Harmsworth, both officers of the Commons Preservation Society, who followed each other in welcoming the Bill. Harmsworth emphasised that the 'old' Bill had always been an impossible measure, and pointed out that the—

(1) Ibid. 973-975.
(2) In fact, he first said it was an Order of Parliament (ibid. 974), but had to correct this later when a note was passed to him (ibid. 975).
(3) Ibid. 976-980.
(4) This point was not answered during the debate, but was clarified during the Committee Stage (113 HC Deb. 58 269-270).
Commons Society had belatedly but successfully "taken matters into its own hands" and produced a "reasonable Bill". The Lord Chancellor agreed with this, giving his opinion that it was well-drafted, and "in all respects an admirable Bill."

Following its successful Second Reading, the House considered the Bill in Committee on 6th June. Most of the amendments were ones that the Earl of Radnor described as either alterations in "machinery" or "drafting" required to improve or clarify the existing provisions of the Bill. As such they aroused little debate and passed by agreement.

Of the four amendments which affected the substance of the Bill one, proposed by Lord Addison, was to change its title to "Rural Access". He pointed out that as the sorts of land likely to be affected by the provisions of the Bill were not all accepted as properly "mountainous", then the title should make this clear. The Earl of Radnor argued against this not because it was incorrect but because "The words 'Access to Mountains' have been old friends ever since I have been alive, and a good many years before that, and it does seem rather a pity to drop an old friend in this rather summary way", and he feared that the Bill's supporters would not recognise it under a less traditional title. Addison accordingly withdrew the amendment.

(1) Ibid. 686-937.
(2) Ibid. 992.
(3) 113 HC Deb. 5s 246-281.
(4) Ibid. 279-280.
(5) Ibid. 280.
Another amendment, to sub-clause (3) of Clause 8, concerning the liability of landowners for injuries suffered on Access land belonging to them, was debated at some length. The government had recognised that the earlier arrangement in the Bill had been unclear and so a new sub-clause was proposed which would "make quite clear that the landowner is not liable to any greater extent through the operation of this Bill than he is at present...... It puts the person who goes on land, so far as injury is concerned, in the same position as the ordinary trespasser...." However this did not satisfy several Peers and Radnor had to promise that the government would consider the matter further and move another amendment at the Report Stage if necessary. On this understanding the present one was then agreed.

The other two amendments were those which had been mentioned earlier, dealing with the position of the harmless trespasser. The matter of lands already open to the public was dealt with by inserting in sub-clause (5) of Clause 3 the further words "having regard to all the circumstances, including the extent to which access by the public to the land to which the application relates has been allowed in the past" after the description of the Minister's powers in making Access Orders. Radnor said that in his opinion the unamended wording covered the situation adequately but the change was intended to honour an undertaking already given to the Bill's supporters on this point. It still allowed the Minister to close such land under the provisions of an Order if material

(1) Ibid. 273-278.
(2) Ibid. 274.
(3) Ibid. 254-256.
loss or damage could be reasonably proved, and it also, emerged during discussion that it did not prevent the landowner fencing in or otherwise enclosing such land in the first place. What it did mean was that any appeal to the Minister against such action was more likely to succeed if it could be shown that the land in question had traditionally been open to the public.

The other amendment of substance, on trespass, dealt only with "the question of simple trespass without damage." Radnor stated that "After due consideration, the promoters of the Bill came to the conclusion that a concession might reasonably be made to the organised ramblers on this really very small point in the hope and belief that if this was conceded, their co-operation in the working of the Bill.... will be obtained", and in consequence it was hoped that the House would accept the necessary small alteration to the wording of paragraph (a) of sub-clause (1) of Clause 7. The effect of the change would be to give the walker additional freedom to walk on any Access land closed under the provisions of an Order as long as he did no damage. If "continued damage" could be proved to the satisfaction of the Minister then an amending Order could be granted forbidding such trespass, while even if this was not done the landowner still had recourse to the old law of trespass to protect his interest. Radnor was at pains to stress that this in no way altered the other penalties and safeguards and there was remarkably little opposition to the amendment, which was accepted without a division. Indeed, Lord Cranworth went so far as to state "without this amendment they (i.e. ramblers) would go upon this land for a certain period of time.

(1) Ibid. 261-267.
(2) Ibid. 262.
and would accept responsibilities and get none of the privileges. That, to my mind, would be quite unfair, and I am glad to see that my noble friend approves of the Amendment."

After the Lords' Committee the Bill moved smoothly through the remainder of its stages. The only matter dealt with at the Report Stage on 20th June was the clarification of the liability of the landowner for personal injury that had been promised during Committee, and two days later the Lords gave it a Third Reading. It was then returned to the Commons, where the Lords' amendments were accepted without debate on 20th June and 4th July. The Bill received the Royal Assent on 13th July, and passed onto the Statute Book as the Access to Mountains Act of 1939.

Its passage through the House of Lords aroused little passion within the Access lobby. There was no support of any kind they could call upon amongst the peers, unlike Sir Lawrence Chubb, and despite the occasional concessions made by the Upper Chamber they regarded its very composition and attitudes as inimical to their interests. There was a certain curiosity about a body of reactionary landowners vying with each other to welcome a measure for 'increased public access', and the fact that they showed this eagerness seemed positive proof of how badly the original Bill had been butchered. It is relevant here to quote some sentences from a letter written

(1) Ibid. 264.
(2) 113 HL Deb. 5s 568-571.
(3) 113 HL Deb. 5s 710.
(4) 349 HC Deb. 5s 40 and 1258.
(5) 114 HL Deb. 5s 171 and 349 HC Deb 5s 2481.

The day preceding the Royal Assent Creech-Jones issued a detailed explanation of the measure and his reasons for placing faith in it, despite all opposition (Supplement to Labour Press Service, with RA). As it complements the arguments contained in the RA's memorandum this statement is also included as an Appendix.
by Edwin Royce to Phil Barnes some years later which typified the sentiments of the leaders of the lobby at this time.

"I consider there is not the ghost of a chance for such a Bill with our present parliamentary system. The last twenty or twenty-five years have been most disillusioning to those who had faith in parliamentary systems, Commons and Lords today are two institutions for the permanence of the property system with party control."

There was some talk of attempting to persuade back-bench supporters in the Commons to reject the Bill when it returned there from the Lords but this plan came to nothing when the amendments were all accepted without debate. In addition there was the more difficult question of how far, if at all, the rambling organisations should co-operate in the working of the Act. Almost certainly strong views were expressed in private correspondence which have not come to light and determined opposition did develop within the next few years, but opinions on this did not form quickly and in the two months remaining before the outbreak of war there was no opportunity (2) to give them public expression.

At grass-roots level there were apparently only two public demonstrations of opposition to the Act during that summer, although in the past such assemblies had been a favourite way for ramblers to voice their feelings. One of these was the traditional Winnats Pass rally held at the end of June, and the report in the Manchester Guardian spoke of the mood of bitter

(1) 7th July 1943, with Ramblers’ Association.
(2) One reason for this was that the Ramblers’ Association Gazette was published quarterly, in June and September, and so was unable to reflect ‘post-Act’ feeling before the outbreak of war.
(3) See report on 26th June.
disappointment amongst the crowd as they listened to the speeches from Philip Oliver and Philip Noel-Baker. After its passage a further small rally was held at Wincle, in Cheshire, on 30th July. Neither was there much comment in the press following the enactment of the Bill. No editorial opinions were expressed by the Manchester Guardian or The Times, and the only references of any significance that can be traced were in the Daily Herald and the News Chronicle. In the Herald Tom Stephenson and Creech-Jones presented their opposing views on its merits. Against Stephenson’s accusations of betrayal and compromise with the landowning interests Creech-Jones claimed “It was not to be expected that the difficulties discussed for half a century could be removed by a Private Member’s Bill... I soon found that the making of the law is very complex and the aim of the Ramblers’ Association could not be achieved that way.” The same week Sir Lawrence Chubb and Stanley Baron entered into a similar disputation in a feature article in the News Chronicle. Most of their argument revolved round the working of the Act but, over-riding its detail, Baron stated “The Bill was damned as a means of providing true liberty from the day when its sponsors abandoned the cardinal principle, that people have a right to wander freely on the mountainous wastes of their native land. The plain truth is that it gives no access anywhere, but merely provides cumbersome machinery for getting it sometimes - somewhere - maybe.” Generally, therefore, there is little evidence of comment or agitation amongst ramblers between the middle of July and the middle of September. It seemed almost as if they had stolen

(2) 15th July 1939.
(3) 18th July 1939.
away quietly before the moment of final defeat and left the field in the undisputed possession of their opponents. The Ramblers' Association did not even issue any special statement on the Act; indeed the only pronouncement which appeared before the end of 1939 was entitled "Enjoyment of the countryside in wartime." This set out the Association's views on the use of the countryside while hostilities lasted and did not contain a single reference to Access to Mountains.

10. **CONCLUSION.**

In assessing the fate which befell the Access to Mountains campaign by the close of the inter-war period it is important first to appreciate the nature of its support, as contrasted to that for National Parks. It was undoubtably a cause with a great depth of popular backing, particularly from the northern working-class roots of the rambling movement, but against this it suffered from a number of limitations. To begin with it commanded less social prestige, and it lacked especially the influential middle-class leaven which sustained the National Parks campaign. Neither had it an equivalent rallying-point to the Report of the Addison Committee nor any similar pressure group to the Standing Committee. Indeed one remarkable feature was the lack of contact and the little effort to make common cause between what should have been twin movements aimed at the extension of public access to the open countryside.

The detached attitude of the National Park lobby towards the access campaign appears to be one of the main reasons why the ramblers' leaders never accepted people such as Birkett,

(1) Manifesto issued by the Ramblers' Association, 2nd October 1930.
Abercrombie and Williams-Ellis as firm allies. They were thought of at worst as preservationists, at best as pastoral bureaucrats. Whether, on the other hand, the wilder utterances of people like Joad and Barnes contributed towards exacerbating these differences is a point which has some relevance. There seems little doubt that the aggressive words and actions of the militants deterred the other side from closing the gap between them. Among the ramblers themselves only a superficial unity existed for much of the time. Differences of opinion and personal ill-feeling between the moderate and radical wings of the movement probably did as much to weaken their case as any lack of political influence. A further debilitating factor was the difficulty of maintaining discipline amongst the constituent federations of the Ramblers' Association, for excessive regional autonomy severely damaged efforts to achieve a common course of action. One other drawback was the lack of success in persuading other open-air bodies to demonstrate more than tepid support for the Bill. In contrast the Standing Committee performed a credible job of establishing and maintaining some sense of common purpose towards National Parks and it always found outside support forthcoming, not least from the rambling organisations themselves.

Turning to the Act, there is no doubt that as it reached the Statute Book in July 1930 it was a thoroughly unsatisfactory measure as far as the Access lobby was concerned. The pristine simplicity of their original Bill had been replaced by a set

(1) The most obvious example of this was the refusal of the Manchester Ramblers' Federation to affiliate to the Ramblers' Association; it was only as a result of the bitter events of 1939 that this body eventually decided, in November, to join the national body.
of complicated administrative procedures; filtered through these the provisions of the Act would be piecemeal in application, slow at taking affect and expensive to operate. Above all it created a list of misdemeanours of which trespass was only the most objectionable. Therefore one can understand why the sense of betrayal was keenly-felt. Equally one should not accept such criticisms as a final judgement, for on reflection it is difficult to claim there was no virtue in the Act whatsoever. Certainly as far as the government was concerned it felt that a genuine attempt had been made to bring about a meaningful extension of the public's rights of access. Whether it was an advance that could be achieved satisfactorily through the medium of a Private Member's Bill was doubtful, however. The difficulties that faced any back-bencher bringing the measure forward were numerous, and Creech-Jones himself had come to the conclusion that the process of law-making was "too complex" for the unamended Bill to reach the Statute Book. Given this constraint, the pressure of limited time and the strength of the forces ranged in opposition, the government could be well-satisfied that it had done all in its power to act as honest brokers. Short of introducing its own measure I think it would have been unrealistic to expect more than this.

The failure of the Act to live up to the expectations many had of it resulted less from the attitude of the government than from three other reasons. The first of these lay in the wording of the original Bill. Presented on 18 occasions

(1) This comment is based particularly on the evidence contained in the Cabinet Memorandum quoted on page 292 above.
between 1884 and 1938, it had become more and more divorced during this time from the secular changes which had taken place in society, so that by the end it appeared ossified in a mere declamatory posture. It stood, beacon-like, as a great assertion of principle but gave scant recognition to the problems the implementation of this principle might cause or how they were to be mitigated. Although one can appreciate this unwavering faith, nevertheless was such a doctrinaire attitude wise? This brings one to the second reason for its failure, which was the difficulty the leaders of the Access lobby had in bonding to the distasteful task of negotiating an agreed measure aimed at drawing the force of the opposition's arguments. Was access to open countryside susceptible to an approach which paid no heed to regional and seasonal variations, legitimate safeguards or planning and administrative procedures? In addition, was the Bill not just badly - framed but also too revolutionary in its intent? If one ignores the justifications drawn from legal history there can be little doubt that in practical terms it was to be nothing less than a radical extension of popular rights, for it demanded that landowners should be compelled to accept something that cut right across the complex of attitudes which clustered around the control of property. It was to tell them that, with few exceptions, they could no longer practise discretion as to who might seek air and exercise over their land. Discounting the polemics of Joad or the Duke of Athol, or even hurt "amour propre", this was obviously a situation fraught with misunderstanding and prejudice. It was less than honest to ignore the quite legitimate doubts which existed on the part of landowners or to claim that they could be solved by believing that all ramblers were decent, sensible folk who could be trusted to cause no offence. Indeed, their actions
sometimes showed that ramblers were more aware of this than their words might indicate, for equivocal attitudes persisted amongst even the most ardent supporters of access. Whether they were demanding a new right or merely seeking one that had been filched from them, they were often willing to treat with landowners as negotiators bargaining for compromises. If the most militant of them were prepared to do this in areas such as the Peak, surely only inconsistent reasoning prevented them from seeing that the Bill itself might profitably be exposed to similar processes.

This insensitivity amongst ramblers, together with their internal differences of opinion, led inevitably to the third reason for failure. This was the surrender of the initiative to Sir Lawrence Chubb, who gave an adroit demonstration of negotiation and lobbying which effectively deprived the rambling leadership of any power to influence events. How different the situation might have been if Royce and company had made a more realistic appraisal of the situation in 1937 and had taken upon themselves the task of negotiating an agreed measure can only be a matter of conjecture, but it is conceivable that if they had done this then the hated trespass Clause at least might never have appeared in the Act.

The matter of trespass illustrates well the lack of appreciation on both sides of the problems which arose from

(1) A number of instances can be quoted in support of this assertion, including the "national" negotiations with the British Waterworks Association, "local" negotiations with the Duke of Devonshire et al, and participation in 'round table' discussions, as in 1933.

(2) One explanation of this apparently stubborn attitude might be simply that ramblers, used as they were to the uncomplicated pleasures of the open air, were unpractised in the subtleties and manoeuvring required for such a task.
the enunciation of this radical new freedom, while the ramblers talked of "harmless" trespass the landowners referred to "intentional" trespass, although what concerned them was the same thing. The supporters of the Bill saw nothing wrong in deliberate intrusion which caused no (or, to be more precise, miniscule) damage, whereas their opponents considered it as inimical to their interests simply because it offended against the right to deny access if they felt circumstances justified it. Whether or not damage was caused was beside the point. During all the negotiations it is remarkable that such a crucial difference was never satisfactorily resolved. It provokes the thought that instead of campaigning for Access to Mountains, the efforts of the rambling leadership might have been better used in negotiating a change in the law of trespass. This digression into hypothesis is based on the observation that they appeared willing to make all manner of concessions in the substance of the Bill except on the one salient point of rendering "harmless" trespass a criminal offence. If they had argued that the redress for any act of trespass should relate only to the extent of damage caused rather than whether it was intended or not, the main purpose of the original measure could have been gained without causing so much alarm amongst the landowning interests. Indeed, such an alteration in the law could have been presented as beneficial in that it would offer substantial safeguards against any "harmful" actions.

Admittedly the mechanics of doing it would have been difficult

(1) Competent legal opinion has assured me that in theory the law relating to trespass could have been altered in the manner I have suggested, but that it would be a 'very unusual' step to take and therefore suspect for that reason.
for trespass was a matter covered by the civil courts, and stemmed not from any specific Act of Parliament but from the workings of common law. However this need not prevent the enactment of a measure to re-define what constituted trespass, and neither need it cease to be a civil matter under such legislation. The point of any reform would be to distinguish between "harmful" and "harmless" rather than "intentional" and "negligent" trespass, as was then the case. It could be argued that redress, either by the granting of an injunction or the award of damages, should relate only to the extent of damage caused, and on uncultivated uplands of minimal economic importance any owner would presumably have a difficult task in substantiating such a claim. Even if the judiciary in its wisdom decided that all trespass was harmful in some degree there still remained the possibility of the impact of the law being softened in the case of uncultivated uplands. Making the plaintiff bear the full costs of his actions, together with the award of only nominal damages, would have the effect of conveying to him the message that he would be better advised to ignore all but the most obviously harmful acts.

As events transpired the Act remained a dead letter, for the war years obstructed any serious effort to implement it.

In answer to parliamentary questions in both 1944 and

(1) The attitude of the courts towards Breach of Promise actions in recent years may be cited as a precedent for this. Although such actions often succeeded, the derisory damages awarded together with the high costs incurred acted as an effective deterrent. (the law has now been changed such that Breach of Promise actions can no longer be brought)

(2) 400 HC Deb. 552 2156, 16th June 1944. Mr. Naylor, the Labour member for S.E. Southwark, asked how many Access Orders had been applied for, and was told by Mr. Hudson "None, Sir".
1947 the Minister of Agriculture informed the House of Commons that not one application had been made for the granting of an Access Order, and the measure was eventually repealed by the National Parks and Access to the Countryside Act of 1949. But despite the fact that use was never made of its provisions and thus its acceptability to ramblers never really put to the test, the very existence of the Act I believe had an important influence upon the shaping of post-1940 attitudes towards access. It could be claimed for instance that it helped to bring nearer the acceptance by the Administration of the notion of truly "National" Parks, in that it would have encouraged in the course of time the creation of "de facto" Reserves - clearly-defined areas in which the public were to have new and wider rights of access. In addition it was to invest substantial executive powers of regulation and supervision in the hands of the appropriate Minister. Although many sorts of land were exempted and nothing was done to guard against future development, nonetheless it would have conferred a measure of public interest in such likely areas. Although the significance of all this appears to have been unremarked at the time, it may be claimed with justification that the events of 1938-39 made the winning of the 1949 Act more certain. To this extent therefore the Act may be seen not as an unmitigated defeat but as the last of a series of unsuccessful assaults on the heights.

(1) 439 HC Deb 5s 943-4, 30th June 1947. Mr. Granville Sharp, the Labour member for Spen Valley, enquired how many Orders had been made. The Minister (Tom Williams) replied that none had been granted.
(On 28th October 1943 Mr. Peter Freeman (Labour member for Newport) had asked the Minister of Agriculture what steps were likely to be taken to amend the Act to "restore" the right of walking upon private land. Tom Williams said that there was no immediate prospect of time being made available for amending legislation.
415 HC Deb. 5s 23, 29th October 1943)
One was to wait another decade for the actual moment of conquest. The story of the intervening years is one that has still to be told, but it lies beyond the scope of this particular thesis.
CHAPTER ELEVEN
A FINAL SUMMARY AND ASSESSMENT OF THE NATIONAL PARKS AND ACCESS CAMPAIGNS

The accounts that have been given of the progress of the two campaigns during the inter-war period appear to show that both ended in comparative failure. In the case of National Parks the publication of the Addison Report had not resulted in any planning or financial provisions being made to meet its recommendations, while the proposal for a specific National Park measure was still only a tentative one. The situation relating to Access was superficially different insofar as the 1939 Act had been passed, but to its sponsors this had become an unmitigated betrayal of their cause, whatever the government or landowners might see in it. Moreover it had taken twenty years, during which time public appreciation of the open countryside had never been higher, to reach such disappointing conclusions. Were they therefore "twenty years largely wasted, the years l'entre deux guerres", to quote Eliot? Although in these obvious ways their success appears minimal, one should hesitate before embracing such a conclusion too readily and first recapitulate upon the nature of the two movements to draw out their different strengths and weaknesses before arriving at one last opinion.

(1) To avoid prolixity the terms "National Parks" and "Access" are used throughout this Chapter to refer to the whole range of opinion and action which has been recorded in the pages above, and should be regarded as words which epitomise the substance of the two campaigns.
1. THE NATURE OF THE TWO CAMPAIGNS.

The first and most obvious point to recall is the almost total separation of interest which lay between them, for many of their problems can ultimately be traced back to this overriding fact. Indeed it is possible to see their respective histories, their support and opposition, their objectives and even to some extent the political influence they commanded mainly in terms of contrast rather than concurrence.

To begin with, the histories of the two campaigns showed great dissimilarity. The principle of wider public access had a much longer one, stretching back fifty years or so, during which it had become encrusted with emotion and controversy, and insofar as this obstructed any appreciation of changing circumstances it fell victim to its own past. It has been shown that, apart from their own self-inflicted difficulties, the leaders of the Access campaign were very much prisoners of the illusions cherished by their rank and file.

National Parks were rather a post-1919 phenomenon, and as well as their greater complexity this shorter and less emotionally-charged history allowed for more flexibility in negotiation.

Moving from these contrasting antecedents there were also great differences in the support which each movement commanded. It has been remarked how Access was, in the strict sense of the word, the more "popular" cause and how, apart from the comment that greeted the publication of the Addison Report, National Parks were far less in the public eye before 1938-39.

(1) Possibly also a more "public" cause in that more printed comment appears to have been made upon it, both in newspapers and journals.
However what the latter lacked in simple "gut" appeal it made up by its organisational efficiency. Throughout the 1930s it is interesting to note how the National Park cause made more actual progress in terms of arguing its case, establishing contact with government departments and securing support in circles of political and social influence. Compared with this the agitation for Access appears remarkably sterile; its leadership not only found it difficult to organise their own support effectively but also well-nigh impossible to dent the case of their opponents.

One of the reasons for this was that Access was not to the same degree a "national" campaign. Its popularity as an issue sprang from the great appeal rambling made to people living in the industrial towns around the Peak District, and because this support was so heavily localised there was great difficulty in identifying Access with the interests of the wider rambling community. This was due only in part to the regional nature of its support however, for there were also serious differences between the radical and moderate wings of the movement over policy and tactics. The concept of a single rambling "opinion" was therefore a delusion and the opportunity for the ramblers' organisation to present a common front consequently limited. This was a serious drawback when one remembers that antagonism towards Access was always more virulent than that shown towards National Parks. Because it was primarily an urban interest Access was susceptible to criticisms of ignorance and intolerance towards the problems of the rural community, and no significant support for it can be traced amongst country-dwellers. To the shooting and water interests particularly it appeared as a certain cause of irritation and even damage.
It was different as far as National Parks were concerned, for they could be described with some truth as a "countryman's cause". Many of their advocates were either landowners, bodies sympathetic to the landowning interests or else residents in the suggested areas. If one assumes that they appreciated the countryside could not remain immune from the social and economic pressures then moving through society, the establishment of National Parks could appear as an acceptable defence against these pressures, because strong executive control within Park areas might deny rather than facilitate general public access over particularly sensitive areas such as the grouse moors.

All this helped towards breeding antagonism between the leaderships of the two campaigns, for the ramblers were convinced that their opposite numbers were more intent upon looking after their own interests than seeking to extend the opportunities for townsfolk to enjoy the open countryside. In short they regarded National Parks as very much an "establishment" interest which sought changes in planning and financial provisions only within certain limits and for selfish ends. On their side the blunt assertion of the principle of unrestricted access, allied to the undertow of aggressive action and radical opinion, stood out in stark contrast, and in turn caused offence to their opposite numbers.

When one moves on to a comparison of objectives, it can be seen that the National Park campaign, post-Addison, postulated an idea that was at least accepted in principle by

(1) These included individuals such as Clough Williams-Ellis, Reverend Synonds and Kenneth Spence and organisations such as the National Trust, the CPRE and the Commons Preservation Society.

(2) It should be emphasized however that the various water undertakings did not share this view, and remained implacably hostile to either concept.
official thinking, so that it became a matter of dispute in administrative rather than parliamentary circles. Accordingly the years between 1931 and 1939 were devoted mainly to a series of attempts by the Park lobby to persuade the government to accept the validity of the Report's recommendations. Doubtless any Bill would have met stern opposition in both Chambers if it had been brought forward, but until 1939 the matter had never proceeded this far, so one might claim this is mere supposition.

In contrast there was no such general acceptance of the principle of unrestricted access, which meant that the campaign to secure the Access to Mountains Bill remained pre-eminently a parliamentary cause. Indeed, no approach of any consequence was made to a government department by the Access lobby until late 1938. There was a good reason for this difference - National Parks were a complex issue involving questions of planning, finance and control to which a variety of subtle solutions might be given, while Access whatever its other drawbacks could at least be described as a "simple" issue - indeed too direct and uncompromising to be acceptable to the interests ranged against it.

Finally if one looks at the political aspects of the two campaigns other reasons for their lack of obvious success stand out. Between 1919 and 1939 no party committed itself unequivocally to National Parks or Access to Mountains legislation, and Tom Stephenson pointed out that neither objective held any strong appeal for politicians because they considered them both minority interests and felt little electoral

(1) This is reflected in the number of parliamentary Questions on National Park matters (40), compared with the number on Access (1). This disparity points out not only the greater complexity of the National Park issue but also the need to keep the government and its ministers under constant pressure.
support would be won or lost whatever response they made. Nor, apart from the initial encouraging response made to the Addison recommendations, did it appear that successive governments were willing to substitute firm actions for fine words. Nevertheless despite this lack of party or government commitment there was a good deal of sympathy amongst Private Members, and it was on the back benches in the House of Commons that both campaigns found their main support. Certain individuals stand out in this respect but apart from these many others spoke, wrote or held office in their Advocacy. Seen thus as a Private Members' interest it might be argued that Access proved the more successful, at least until the Second Reading of Creech-Jones' Bill. However the decline which set in from that point on seemed to prove the reverse - that the strength the campaign commanded was not equal to the herculean task of piloting the bill through unamended. As the National Park campaign was never put to a similar test it is impossible to draw any firm comparison on this point.

(1) Notably, for National Parks, Geoffrey Mander, Sir John Withers, Cecil Wilson, Martin Conway and James Lovat-Fraser, and for Access, again Mander, Charles Trevelyan, Graham White, Chuter Ede and Ellen Wilkinson.
2. A FINAL ASSESSMENT OF THE ACHIEVEMENTS OF THE TWO CAMPAIGNS.

I do not believe it is possible to make any exact calculation about the success of either campaign, for from their natures it is difficult to talk in such simple terms - what indeed was "success" or "failure"? Because the 1939 Act had been passed, did this constitute a success? Alternatively because no move had been made by the government to implement the Addison recommendations, was this a failure? If so, how can one explain the fact that the principle of Access was never pursued further while the National Park campaign maintained a momentum throughout the war years that helped eventually to bring about the 1949 Act? Therefore I feel one should not search for a conclusion based on such criteria, but rather on an assessment of the longer-term significance of the different developments. One must stand back therefore and consider the issue of public access in its wider setting, whereupon the picture looks very different.

As events continued beyond 1939 it becomes quite apparent that the pre-war struggles were linked closely to the wartime agitation, which in turn led to the Dower and Hobhouse Reports.

(1) An illustration of this may be given, which emphasised incidentally the drawing together of the two issues which occurred after 1939. Stephen Morton told me that between 1939 and 1943 the ramblers' leaders made strenuous efforts to persuade the Labour Party to promise to repeal the 1939 Access to Mountains Act, and that eventually a meeting took place at his (Morton's) offices in Sheffield in late 1943 at which Hugh Dalton met the reconstituted Access sub-committee consisting of Ward, Morton, Royce, Stephenson and Barnes. At this meeting Dalton promised that if the Ramblers' Association did not "rock the boat" and made a genuine attempt to work the Act, then the first Labour government elected after the war would undertake to enact a comprehensive National Parks measure. (It should be stressed that this statement is not based on any documentary evidence.)
and eventually to the National Parks and Access to the Countryside Act. Beyond this one can even trace a sequence of later developments leading to the 1968 Countryside Act and, still more recent, to the concern about the administration of National Parks under the re-organisation of local government. Similarly, looking backwards from 1919 one can trace its history into the mid-nineteenth century, as manifest in the work of Shaw-Leefevre and his friends. Thus the inter-war period can be seen as part of a much longer continuum. This leads to the conclusion that the agitation for National Parks and Access during these years was both a necessary and important stage towards the ultimate goal in that it implanted ideas, worked changes in attitudes amongst politicians and administrators and stimulated public opinion to call for action.

If one accepts that the urge to secure wider public enjoyment of the open countryside was an attempt to work fundamental changes within the existing social conditions, then two decades seem little enough time to do it. In a pluralist society, particularly of the conservative sort found in Britain between the wars, new attitudes must necessarily take some time to gestate, and before one arrives at the dramatic moment of change signalled by any Act of Parliament there are usually years of argument and counter-argument, advance and retreat. Quite apart from conflicting social pressures and administrative inertia there is at least one other good reason for the slowness of change in that matters are seldom as simple as they appear to the committed protagonists, and this complexity is often emphasised by the tendency to settle on the "middle way".
Thus, taking a longer perspective, the campaign for National Parks can be seen as one aspect of the more general development in the notion of planning, for the principle of quite minimal planning had only been admitted in the early twentieth century and a truly comprehensive mechanism was not established until 1947. Looked at in this way it is clear that in the 1930s countryside planning was a very new concept, and National Parks equally new with it. Nonetheless their advocacy can be seen as consistent with future developments which led in due course to the 1949 National Parks Act.

The Access campaign could obviously claim a much longer pedigree, but it became sadly apparent between the wars that the whole idea of unrestricted access had been overtaken by changing circumstances. Whatever was relevant in the 1880s became less and less viable as a solution then. Whereas National Parks were bound up with the provisions of planning and control, the essence of Access could be found in the problem of trespass. The weakness of its position was that to an apparently simple problem it advanced too "simple" a solution. To begin with the solution demanded was a legal rather than a parliamentary one, and such changes are always

(2) The point of this statement is that, as has been mentioned earlier, no specific Act of Parliament related to "trespass", but instead it was a concept founded in common law. The legal authorities I have consulted pointed out that although it was apparently simple as a principle, the application of the trespass laws were very complex and also, because of their roots in common law, very difficult to alter. On page 341 I have in fact suggested that a legislative measure might have been proposed to reform the law in this respect, but it was emphasised at the time that this was very much a hypothetical alternative.
difficult to secure. Secondly its inherent administrative complications were never openly admitted. The "raison d'être" for the measure was its very simplicity and once this had been lost it became a cumbersome bureaucratic arrangement to facilitate negotiation. As such it then appeared merely as an ineffectual device which lacked the comprehensive dimension of any likely National Park measure.

For these reasons one is able to claim that whereas by the end of the 1930s the concept of National Parks was gaining more credence with the passing of the years, that of Access experienced the reverse tendency and became less and less an acceptable solution to the problem of public enjoyment of the open countryside. Of course it can be argued that the two campaigns, although certainly distinct, should not have been thought of as competing or mutually exclusive ones; rather they should have been seen as complementary. At the time this view was frequently advanced by some of their protagonists, but I feel the evidence available indicates this was more an aspiration than a fact. Certainly in retrospect their differences are more readily apparent than their similarities.

To sum up in one final sentence it may be said that whereas Access was largely an emotional response to the problem which proved unworkable, the concept of National Parks was more an intellectual one which, because it was consistent with the general tendencies in planning, proved ultimately to be the more "successful".
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LU/2014
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REPORTS OF PROCEEDINGS:

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UNPUBLISHED THESIS:

Mrs. J. Bossier "Public use of uncultivated countryside for open-air recreation; an analytical study of the National Parks Act 1949 and post-war policy in England and Wales".

(Cambridge University)

(Submitted for the award of the Doctor of Philosophy degree at Cambridge University)

SOURCES OF MATERIAL:

The material used in the preparation of this thesis was obtained almost entirely from the following libraries and other archives:

The British Broadcasting Corporation
Birmingham Reference Library
The British Museum Reading Room
Cambridge University Library
Colindale Newspaper Library
The Commons, Open Spaces and Footpaths Preservation Society
The Council for the Protection of Rural England
The Department of the Environment Library
The Forestry Commission
The House of Commons Library
Leicester University Library
Manchester Central Library
The Ministry of Agriculture Library
The New Statesman (and Nation)
The Peak Park Planning Board
The Public Record Office
The Ramblers' Association
CONTRIBUTIONS FROM INDIVIDUALS:

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**Interviews:**
- Mr. Phil Daley
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- Mr. Fred Heardman
- Lady Mander (collected papers of her late husband)
- Mr. Stephen Morton
- Mr. Bernard Rothman
- Mr. Tom Stephenson
- Miss Nora Willington

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Mrs. MacArevey, of the Commons Preservation Society

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Mr. Bob Toner, Producer, BBC Television

(Attempts were also made to the present Viscount Addison, Viscount Bledisloe, Lord Birkett and Miss Ward (daughter of CHB Ward, without success.)

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Mr. Hughes, Dept. of Law, University of Leicester

Mr. Morgan, of the "Sheffield Telegraph"

Mr. Reid, Secretary, Association for the Preservation of Rural Scotland

Mrs. Rossiter, Dept. of Land Economy, University of Cambridge

Mr. Peter Freeman, of the Peak Park Planning Board
## APPENDIX I. Collation of all parliamentary references (excluding Questions) relevant to National Parks and Access, 1919-1939.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Event Description</th>
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<tr>
<td>29th July 1931</td>
<td>255 HC Deb 5s 2403-6</td>
<td>Speech on need for National Parks, by Mr. G. Mander (during debate on estimates of Ministry of Health)</td>
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<tr>
<td>20th February 1934</td>
<td>90 HL Deb 5s 995</td>
<td>Presentation of South Downs Preservation Bill</td>
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<td>24th April 1934</td>
<td>91 HL Deb 5s 699</td>
<td>First Reading of the Bill</td>
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<td>1st May 1934</td>
<td>91 HL Deb 5s 907-923</td>
<td>Second Reading (proposed by the Marquess of Zetland)</td>
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<td>9th May 1934</td>
<td>92 HL Deb 5s 153</td>
<td>Bill referred to Standing Orders (Select) Committee</td>
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<tr>
<td>1st November 1934</td>
<td>94 HL Deb 5s 94</td>
<td>Committee reported; Bill dropped</td>
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<tr>
<td>25th November 1936</td>
<td>318 HC Deb 5s 429</td>
<td>Motion for Adjournment Debate (Mr. Mander)</td>
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<td>9th December 1936</td>
<td>318 HC Deb 5s 2073-2132</td>
<td>Adjournment Debate on National Parks.</td>
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<td>16th March 1937</td>
<td>104 HL Deb 5s 675-716</td>
<td>Debate on preservation of the countryside (initiated by Lord Brocket)</td>
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<td>8th June 1937</td>
<td>324 HC Deb 5s 1706-7</td>
<td>Speech on need for National Parks, by Mr. G. Mander (during debate on estimates of Ministry of Health)</td>
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<td>10th November 1937</td>
<td>328 HC Deb 5s 1775</td>
<td>Motion for Adjournment Debate on National Parks, moved by Mr. Cecil Wilson (unsuccessful)</td>
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<tr>
<td>Date</td>
<td>Reference</td>
<td>Comments on the advisibility of National Forest Parks, by Mr. Hopner and Sir George Courthorpe (both members of the Forestry Commission), during debate on estimates of Forestry Commission.</td>
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<tr>
<td>1st February 1939</td>
<td>343 HC Deb 5s 207</td>
<td>Motion for Adjournment Debate on National Parks, moved by Mr. Wilson (unsuccessful).</td>
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<td>13th May 1924</td>
<td>173 HC Deb 5a 1152-4</td>
<td>1st Reading of Access to Mountains Bill. Presented by: Mr. Gilchrist-Thompson (speech) supported by:</td>
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<td>Rt. Hon. F.D. Acland (Lib., Tiverton)</td>
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<td>Sir Martin Conway (Cons., English Unv.)</td>
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<td>Sir P. Hastings (Lab., Wallsend)</td>
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<td>Rt. Hon. J. MacPherson (Lib., Inverness)</td>
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<td>Mr. Rea (Lib., Bradford N.)</td>
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<td>Mr. Homer (Cons., Macclesfield)</td>
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<td>Mr. Cecil Wilson (Lab., Sheffield, Attercliffe)</td>
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<td>25th June 1924</td>
<td>175 HC Deb 5s 533</td>
<td>Bill read a Second Time and committed to Standing Committee.</td>
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<tr>
<td>20th April 1926</td>
<td>194 HC Deb 5s 1032</td>
<td>First Reading of Access to Mountains Bill. Presented by: Mr. Charles Trevelyan (Lab., Newcastle, C) supported by:</td>
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<td>Sir Martin Conway</td>
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<td>Mr. Johnston</td>
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<td>Mr. Mackenzie Livinstone (Lib., Western Isles)</td>
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<td>Sir Assheton Pownall, (Cons., Lewisham, E)</td>
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<td>Mr. Cecil Wilson</td>
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12th May 1927  206 HC Deb 5s 585
First Reading of Access to Mountains Bill.
Presented by:
Mr. C. Trevelyan
Supported by:
Sir Martin Conway
Mr. Johnston
Mr. Livingstone
Sir Assheton Pownall
Mr. Cecil Wilson
Sir Alfred Hopkinson
(Cons. English Univ.)

21st May 1928  217 HC Deb 5s 1516
First Reading of Access to Mountains Bill.
Presented by:
Mr. C. Trevelyan
Supported by:
Sir Martin Conway
Mr. Johnston
Mr. Livingstone
Sir Assheton Pownall
Mr. Cecil Wilson
Sir Alfred Hopkinson

12th February 1930  235 HC Deb 5s 419-422
First Reading of Access to Mountains Bill.
Presented by:
Mr. Graham White (speech)
Supported by:
Sir Martin Conway
Mr. Philip Noel-Baker (Lab., Derby)
Mr. Philip Oliver (Lib., Blackley)
Mr. James Scott (Lib., Aberdeenshire)
Miss E. Wilkinson (Lab., Middlesbrough E)
Mr. Cecil Wilson
Mr. Frank Owen (Lib., Hereford)
Mr. George Benson (Lab., Chesterfield)
Mr. Chuter Ede (Lab., South Shields)

13th May 1931  252 HC Deb 5s 1192
First Reading of Access to Mountains Bill.
Presented by:
Miss E. Wilkinson
Supported by:
Mrs. Manning (Lab., Islington E)
Miss Jennie Lee (Lab., N. Lanark)
Sir C. Trevelyan
Lt. Com. Kenworthy (Lib., Kingston-upon-Hull)
Mr. Horrabin (Lab., Peterborough)
Sir Martin Conway
Mr. F. M. Oliver
8th July 1937  326 HC Deb 5s 571  First Reading of Access to Mountains Bill.
Presented by:
Mr. Mander
Supported by:
Miss Wilkinson
Miss Megan Lloyd-George (Lib., Anglesey)
Mr. Acland
Mr. Dodd (Nat. Lib., Oldham)
Mr. Hopkin (Lab., Carmarthen)
Mr. Nabane (Nat. Lib., Huddersfield)
Mr. Noel-Baker
Mr. Ellis-Smith (Lab., Stoke-on-Trent)
Rt. Hon. J. Wedgwood (Lab., Newcastle-under-Lyme)
Mr. White
Mr. Wilson

29th October 1937  328 HC Deb 5s 418  First Reading of Access to Mountains Bill.
Presented by:
Mr. M. Price
(Lab., Forest of Dean)
Supported by:
Mr. Hopkin
Mr. Noel-Baker
Mr. Ellis-Smith
Rt. Hon. Wedgwood
Miss Wilkinson
Mr. Cecil Wilson

11th November 1938  341 HC Deb 5s 468  First Reading of Access to Mountains Bill.
Presented by:
Mr. Arthur Creech-Jones
Supported by:
Mr. Price
Mr. Dalton (Lab., Bishop Auckland)
Mr. Hopkin
Mr. Noel-Baker
Rt. Hon. Wedgwood
Mr. Ellis Smith
Mr. Ede
Mr. Wilson
Mr. Gordon MacDonald (Lab., Ince)
Lt.-Com. Fletcher (Lab., Nuneaton)
Revd. G. Woods (Lab., Finsbury)

2nd December 1938  342 HC Deb 5s 747-829  Second Reading of Bill
<table>
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<tr>
<th>Date</th>
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<tr>
<td>4th April 1939</td>
<td>345 HC Deb 5s 2825</td>
<td>Report of Standing Committee</td>
</tr>
<tr>
<td>21st April 1939</td>
<td>346 HC Deb 5s 697-740</td>
<td>Report Stage of Bill</td>
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<td>21st April 1939</td>
<td>346 HC Deb 5s 749-753</td>
<td>Third Reading of Bill</td>
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<td>25th April 1939</td>
<td>112 HL Deb 5s 707</td>
<td>First Reading of Bill in House of Lords</td>
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<td>112 HL Deb 5s 909-997</td>
<td>Second Reading of Bill</td>
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<td>6th June 1939</td>
<td>113 HL Deb 5s 246-231</td>
<td>Committee Stage of Bill</td>
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<td>20th June 1939</td>
<td>113 HL Deb 5s 568-571</td>
<td>Report Stage of Bill</td>
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<td>22nd June 1939</td>
<td>113 HL Deb 5s 710</td>
<td>Third Reading of Bill</td>
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<td>22nd June 1939</td>
<td>348 HC Deb 5s 2453</td>
<td>Message to House of Commons from House of Lords</td>
</tr>
<tr>
<td>26th June 1939</td>
<td>349 HC Deb 5s 40</td>
<td>Consideration of Lords' amendments by the House of Commons,</td>
</tr>
<tr>
<td>4th July 1939</td>
<td>349 HC Deb 5s 1283</td>
<td>Bill returned to House of Lords from Commons, with amendments agreed.</td>
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<td>5th July 1939</td>
<td>113 HL Deb 5s 1010</td>
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<td>13th July 1939</td>
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<td>Royal Assent.</td>
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<td>114 HL Deb 5s 171</td>
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<td>SUBJECT OF QUESTION</td>
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<td>28TH JULY 1932</td>
<td>001</td>
<td>The need for a new postal office in the area.</td>
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<td>28TH JULY 1932</td>
<td>002</td>
<td>The feasibility of a new post office being established in the area.</td>
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<td>003</td>
<td>The proposed location of the new post office.</td>
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<td>004</td>
<td>The estimated cost of building the new post office.</td>
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<tr>
<td>28TH JULY 1932</td>
<td>005</td>
<td>The expected time frame for the construction of the new post office.</td>
</tr>
<tr>
<td>28TH JULY 1932</td>
<td>006</td>
<td>The potential impact of the new post office on the local economy.</td>
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**APPENDIX A:**

**INTERNAL AFFAIRS:**

**FUNCTIONING OF UNIVERSITY AND OTHER AGENCIES**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Details</th>
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<tr>
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Text of National Parks Bill drafted by Mr. John Dower in 1939, (excluding Clause 6 (Provisions as to roads) and Clause 7 (Provisions as to footpaths and bridleways)).

Standing Committee on National Parks.

Confidential, February 1939.

National Parks Bill.
(England & Wales)

A Bill to provide for the setting-up of a National Parks Commission (England and Wales), for the preservation of landscape beauty, the promotion of public access and enjoyment, and the protection of wild life in areas to be designated by the Commission, and for all other purposes connected therewith.

Preliminary Draft.
for consideration by the Drafting Sub-Committee.

Note: this draft, though in the form of a Parliamentary Bill, does not attempt full legal precision or definition of terms, nor has it been fully related to relevant existing legislation. It attempts only to provide for the essential objects of a comprehensive National Parks Scheme, and to set out - though without any claim of completeness - the more obviously necessary administrative arrangements, safeguards and provisos.

John Dower.
A National Parks Commission shall be appointed under the authority of the Privy Council and shall consist of a Chairman and 8 other Commissioners (of whom 2 shall be Members of Parliament) chosen by the Lord President of the Council, who shall also choose further Commissioners to fill vacancies through death or retirement. All Commissioners shall retire automatically after 5 years service but shall be eligible for reappointment for further periods of 5 years.

(2) The Chairman and not more than 2 other Commissioners (not being Members of Parliament) may at the discretion of the Lord President be paid salaries for their services, such salaries not to amount in the aggregate to more than £5,000 per annum.

(3) The Commission shall appoint as their principal officer a Chief Assistant Commissioner with such headquarters staff as may be found necessary.

(4) The Commission shall set up and consult with a National Parks Advisory Council consisting of 3 of its own number (one of whom shall be Chairman of the Council), not more than 6 other persons chosen by themselves and one person nominated by each of the following:— The Chancellor of the Exchequer, the Minister of Health, the Minister of Agriculture, the President of the Board of Education, the Minister of Transport, the First Commissioner of Works, the Forestry Commission, the County Councils Association, the National Trust, the C.P.R.E., the C.P.R.W., the Commons, etc. Society, the Ramblers' Association.
2. (1) The salaries and administrative and other expenses of the Commission necessary to carry out the duties hereinafter provided shall be included in the annual estimates presented to Parliament and subject to Treasury audit and approval.

(2) The sum of £250,000 shall be placed at the disposal of the Commissioners by the Treasury, when and in such instalments as they may request, for use in paying compensations and in making grants as hereinafter provided. No salaries and administrative and other expenses shall be chargeable to this sum.

(3) The Commission are empowered to hold land and buildings as a body corporate and to borrow up to £1,000,000, upon terms to be approved by the Treasury, for the purchase and improvement of land and buildings (including the cost of erecting new buildings) within areas designated by them as hereinafter provided.

(4) The Commission shall present to Parliament through the Lord President an annual report of their activities and may make public issue through the Stationery Office of such further reports, guide-books and other papers as they may think fit.
3. (1) Subject to the approval of the Lord President, the Commission, after making all necessary surveys and investigations, shall designate, by notices in the London Gazette, the areas which are to be subject to the provisions of this Act, specifying for each area whether it is to be a National Park or a National Preservation Area or a National Nature Sanctuary (which last may or may not fall within a National Park or a National Preservation Area) or a National Park Access Area (which must fall entirely within a National Park).

(2) Subject to the approval of the Lord President, the Commission may, by notice in the London Gazette, at any time terminate the designation of a National Preservation Area or of a National Nature Sanctuary, or may transfer an area from the designation of National Preservation Area to that of National Park, or may vary the boundaries of any designated area.

(3) The Commission shall, within one fortnight of its appearance in the London Gazette, send a copy of any notice issued under the two preceding sections to every county council, county borough council and county district council within whose administrative area any part of any area designated in the notice falls.
(4) The boundaries of all designated areas shall be marked on maps to a scale of 6 inches to 1 mile, all of which shall be available for public inspection without charge at the Commission's office in London. Copies of the said maps shall be available for public inspection without charge at the office of each county council or county borough council showing the boundaries of all designated areas which fall wholly or partly within its administrative area.

(5) The Director-General of the Ordnance Survey, in co-operation with the Commission, shall as soon as is found practicable prepare and make public issue of maps to a scale of 1 inch to 1 mile showing the boundaries of all designated areas.

(6) The Commission shall appoint as their officer for each designated area or group of two or more designated areas an Assistant Commissioner with such staff as may be found necessary.

(7) Subject to the approval of the Commission, each Assistant Commissioner may set-up and consult with a National Park Advisory Committee for the designated area or areas under his charge, consisting of himself as Chairman and not more than 16 other persons chosen by himself with the approval of the Commission.
4. (1) For all areas which are designated as National Park or National Preservation Areas the Commission shall be a planning authority for the purpose of the Town and Country Planning Act 1932, and shall either join, on such terms as may be agreed, with the local authority or local authorities concerned (or, in default of such agreement, be solely responsible) for the preparation of a planning scheme for an area co-terminous with the designated area or with such group of two or more designated areas as the Commission may think it expedient to include in a single scheme; and a resolution to prepare such planning scheme shall be made within 6 months of the designation of any area.

(2) Where a planning scheme is already in force or has already been laid before both Houses of Parliament prior to coming into force over all or part of a National Park or National Preservation Area it shall continue in or come into force, but the Commission, after reviewing its provisions shall either join, on such terms as may be agreed, with the local authority or local authorities concerned (or, in default of agreement, be solely responsible) for a new scheme supplementing or varying as necessary the scheme already in force so far as concerns the designated area, and a resolution to prepare such a new scheme shall be made within 6 months of the designation of any area.
(3) Where a resolution to prepare a planning scheme is operative over all or part of a National Park or National Preservation Area but the scheme has not yet come into force or been laid before both Houses of Parliament, the resolution and the interim powers exercised thereunder shall continue in force, but shall, for the designated area, be superseded within 6 months by a new resolution as provided in this section; and the Minister of Health shall make the necessary Transitional Order.

(4) Any resolution to prepare a planning scheme under this section shall be submitted to the Minister of Health and must be approved by him before it becomes operative; but the Minister shall not vary the extent of the land to be included and shall not be required to satisfy himself that the area fulfills the conditions required in Section 6(2) of the Town and Country Planning Act, but shall give his approval within two months of the submission, if the resolution is otherwise in accordance with the Act and the Regulations issued thereunder; but the Minister shall not approve any resolution for the preparation of a planning scheme for land in a National Park or National Preservation Area to which the Commission are not parties.

(5) The Commission shall have power to be a responsible authority for the execution of all or any provisions of a planning scheme under the Town and Country Planning Act 1932 for the preparation of which they have been solely or jointly responsible under the provisions of this section and may undertake to pay part or all of the cost of any compensations arising from the provisions of the scheme; in particular, the Commission shall have power to enter into agreements with landowners under Section 34 of the Act.
6.(1) It shall not be lawful for any development of land to be made, whether subject to the consent of a planning authority or not, in a National Park or National Preservation area, unless full plans and particulars thereof have been submitted to and have received the consent, with or without conditions, of an Assistant Commissioner or other authorized officer on behalf of the Commission, who shall for all submissions involving building works, obtain a report thereon from one or more registered architects, appointed and paid by the Commission for examining such submissions. For the purposes of this section any kind of building works (including those for agricultural, mining or quarrying purposes, but excluding alterations of existing buildings not affecting the external appearance) or any substantial change in the use of buildings (other than to agricultural use) or any substantial change in the use of land (other than to agricultural use or from one type of agricultural use to another) shall constitute a development of land. The provisions of Section 13 of the Town and Country Planning Act shall apply in event of any contravention of this section, as if the Commission were the responsible authority and the decision of the Assistant Commissioner were part of a planning scheme in force.
(2) An owner or other person having the right to execute any development who has made a submission under the foregoing sub-section and is aggrieved by the refusal or by conditions attached to the consent of the Commission may within 28 days appeal to the Minister of Health who if (after holding any enquiry he considers necessary) he considers that the refusal or conditions cause any loss or damage to the appellant may, after giving the Commission opportunity to vary their decision, direct that the Commission shall either compensate the appellant for such loss or damage (the nature of which shall be defined by the Minister) or, if the Commission prefers, purchase the land on which the intended development would take place (the extent of land to be purchased being defined by the Minister in event of dispute); provided that the Commission shall not have the right to purchase if the appellant gives notice that he will not claim any compensation. The amount of such compensation or purchase, unless agreed between the Commission and the appellant, shall be determined by an official arbitrator appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919. Where such compensation is for increased cost of building works due to conditions imposed by the Commission, the compensation shall only be paid if and to the extent that the works are in fact carried out in accordance with the imposed conditions; in all other cases, where such compensation is awarded on a development proposal for land which is not subject to a planning scheme in force, the Commission may elect to pay interest only at 5 per cent. on the amount awarded and to have
the amount of compensation reassessed as a new claim under the provisions of the scheme when it comes into force.

(3) No compensation shall be awarded under this section in respect of any proposed development or part thereof which contravenes or requires special consent under a planning scheme in force.

(4) Where any proposed development of land to which this section applies is submitted by any Government Department, Board or Commission or by any local authority or by any statutory undertaking, the provisions of this section shall apply, subject in the event of disagreement between the Commission and the Department, Authority or body asking the submission to a right of appeal as follows —

(a) In the case of any Government Department, Board or Commission, to the Privy Council, who shall set up a Committee, of the Privy Council, under the chairmanship of the Lord President of the Council, to hear and give final decision on all such appeals;

(b) in the case of a Highway Authority, Traffic Commission, Railway Company, public Transport Company or undertaking, or Electricity undertaking, to the Minister of Transport, who may hold a public inquiry if he thinks fit and whose decision shall be final;

(c) in all other cases, to the Minister of Health, who may hold a public inquiry if he thinks fit and whose decision shall be final.
3. (1) Where the Commission have designated a National Park Access Area, the general public shall have the right of access to all parts thereof as if it were a common in an urban district, subject only to such regulations as the Commission, after consultation with the owners of the land in the area, and subject to the approval of the Minister of Agriculture may impose; provided that such regulations may not restrict the right of the public to walk on the area or any part of it save for the purpose of preventing danger from or interference with the shooting of grouse or other game on not more than 15 days in any year between the 13th day of August and the 10th day of December inclusive, not more than three of such days being in any one week.

(2) In deciding the extent of any National Park Access Area or the nature of regulations relating thereto (including any alterations of the extent of or of the regulations), the Commission shall take into consideration any actual or potential use of the land within or adjoining the Access Area for agriculture or mining or quarrying, and the protection of such use against any probable damage or interference resulting from access thereto by the general public.
(3) Any owner or tenant of land in any National Park Access Area may claim compensation from the National Parks Commission for any actual damage to or interference with his property or interest in property (including farm stock thereon, but not including any grouse or other game), and, if the claim is not settled by agreement or arbitration, may bring a civil action to recover the amount claimed; provided that the Commission, if they have settled or have been ordered by a court to settle any claim, shall have the right to proceed in place of the original claimant against any person or persons alleged to have been responsible for the damage or interference.

(4) If the Commission are of opinion that the designation of any land as a National Park Access Area or part thereof cannot be continued without undue damage to or interference with its actual agricultural or mining or quarrying use, or without frequent or excessive claims for compensation relating thereto, they may, subject to the approval of the Minister of Agriculture, either purchase the land compulsorily or terminate its designation as a National Park Access Area or part thereof or acquire the land, the amount paid for such acquisition, unless agreed between the Commission and the owner or owners, being determined by an official arbitrator appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.
9. (1) Where any area has been designated a National Nature Sanctuary, the Commission shall make regulations (which may include the prohibition or restriction of access thereto by all or any persons) for the preservation therein of all such species of flora and fauna and such soil or rock deposits of geological interest as the Commission may think it desirable to preserve; and any person contravening such regulations shall be liable on summary conviction to a fine not exceeding £10 for each day on which such contravention takes place; provided that the boundaries of any such area shall be fully fenced in or otherwise clearly demarcated and that a copy of the regulations shall be displayed at all points at which the general public would ordinarily approach the boundaries of the area.

(2) No area shall be designated a National Nature Sanctuary without the consent of the designation and to the regulations of the owner or owners of the land contained therein; provided that the Commission may arrange to lease or acquire the land on agreed terms.
10. (1) Subject to the approval of the Lord President of the Council, the Commission may make general byelaws applying to all designated areas for the purpose of preventing damage therein to the amenities or to public or private property, more especially through the breaking down of walls or fences, the lighting of fires, the leaving of litter, and the uprooting or injury of plants, shrubs and trees.

(2) The Commission may, after consultation with the local authorities concerned, apply to the Secretary of State for Home Affairs to make or to vary an Order under the Wild Birds Protection Acts 1880-1908, for any land in a designated area.

(3) The Commission shall appoint suitable persons (paid or unpaid) to be Preservation Wardens who, when on duty and wearing a prescribed uniform or distinctive badge, shall have power within any designated area as if they were members of the police force in respect of all regulations or byelaws which the Commission may make under this Act and of any Order under the Wild Birds Protection Acts 1880-1908.
11. (1) In any National Park Area, the Commission shall have power to purchase by agreement any land or buildings and to effect improvements thereto or erect new buildings thereon for the purposes of preserving the landscape or securing or facilitating public access and enjoyment.

(2) In any National Park Area, the Commission shall have power to make grants of money or to lease land and buildings to any local authority, the National Trust, the Youth Hostels Association, or any approved body, for the purposes of preserving the landscape or securing or facilitating public access and enjoyment, more especially in the provision of parking spaces, camping sites, hostels and mountain huts.

A

BILL TO

Secure to the public the right of access to mountains and moorlands.

Whereas it is desirable to secure to the public the right of free access to uncultivated mountain and moorland, subject to proper provisions for preventing any abuse of such right:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Subject to the provisions of this Act, no owner or occupier of uncultivated mountain, heath moorland or uncultivated downland shall be entitled to exclude any person from walking or being on such land for the purposes of recreation or scientific or artistic study, or to molest him in so walking or being.

2. In any action or other proceeding at the instance of any owner or occupier of uncultivated mountain or moorland, founded on alleged trespass, it shall be a sufficient defence that the lands referred to were uncultivated mountain or moor land, that the defendant entered thereon only for the purposes of recreation or of scientific or artistic study, and that no special damage resulted from the alleged trespass.
3. If any person enters upon any land to which this Act applies and —

(a) goes in pursuit of game or other wild birds, or for the purpose of taking eggs, or accompanied by a dog or carrying firearms;

(b) destroys or removes the roots of any plant or shrub;

(c) so disturbs any sheep or cattle as to cause damage to their owner;

(d) goes with any malicious intent, or wantonly disturbs or annoys any person engaged on such land in any lawful occupation;

(e) lights a fire, drives or draws a vehicle or leaves or deposits litter;

he shall be liable on summary conviction to a fine not exceeding forty shillings for each offence.

4. Nothing in this Act shall apply —

(a) to any land actually occupied and enjoyed as a park or pleasure ground in connection with and in proximity to a dwelling-house;

(b) to any plantation of young trees.

5. This Act may be cited as the Access to Mountains Act, 1938, and shall come into operation on the first day of January, nineteen hundred and forty.

ACCESS TO MOUNTAINS ACT, 1930.

2 & 3 GEO. CH. 39.

ARRANGEMENT OF SECTIONS.

Section.

1. Persons not to be prevented from walking on land to which this Act applies.

2. Kinds of land to which this Act may be applied, and excepted land.

3. Provisions as to making, variation and revocation of orders as to application of this Act.

4. Maps to be attached to orders and deposited with county authorities.

5. Power to prohibit entry when fires likely to result.

6. Conditions to be observed on land to which this Act applies.

7. Offences and enforcement.

8. Saving of rights.


10. Contribution by certain local authorities to expenses.

11. Power to make regulations.

An Act to secure to the public access to mountains, moorlands and certain other land.

(13th July 1939.)

Whereas it is desirable to secure to the public access to mountain, moorland and certain other land, subject to proper provisions for preventing any abuse of such access:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.-(1) Subject to the provisions of this Act, no owner or occupier of, or person having an interest in, land to which this Act applies shall be entitled to exclude any person from entering or being on the land, on any day between one hour before sunrise and one hour after sunset, for the purpose of air and pedestrian exercise so long as he-

(a) observes any limitations and conditions specified in relation to the land in an order made by the Minister of Agriculture and Fisheries (in this Act referred to as "the Minister") under section three of this Act;

(b) does not contravene any direction given in relation thereto by an order made by the Minister under section five of this Act; and

(c) does not contravene in relation thereto any of the provisions specified in section six of this Act.

Provided that this subsection shall not have effect in the case of land which is excepted land within the meaning of section two of this Act.
(2) An order may be made by the Minister, under and subject to the provisions of section three of this Act, applying this Act to any land of a kind mentioned in subsection (1) of the next succeeding section, and the land to which this Act applies shall be all land which is for the time being included in the maps to be attached under this Act to orders so made and is shown thereon as being such land.

(3) An order made under section three of this Act may specify limitations and conditions to which the application of this Act to any land is to be subject, including in particular, but without prejudice to the generality of this provision, limitations and conditions having the effect of prohibiting persons from entering at particular times upon land to which this Act applies or from entering upon particular areas in such land.

(4) An order made under section three of this Act may specify or describe places for entry on land to which this Act applies, and may provide that subsection (1) of this section shall not have effect as respects persons entering thereon elsewhere than at those places.

2. - (1) The kinds of land as to which an order applying this Act thereto may be made shall be land which in the opinion of the Minister is mountain, moor, heath, down or cliff.

(2) The following land shall be excepted land, that is to say, -

(1) land covered by buildings or the curtilage thereof, or developed or used, or in process of development, for residential, commercial, industrial, burial ground or sewage disposal purposes, or for the purpose of making, storing, keeping or testing weapons,
projectiles or explosives, and land within such a distance from any land or premises used for any of the said purposes that access by the public thereto would involve interference with the privacy of the land or premises, or danger from or to the carrying on of any of the said purposes;

(b) agricultural land, that is to say, land used as arable, meadow or pasture ground, or for the purpose of poultry farming, market gardens, nursery grounds, orchard or allotments, including allotment gardens within the meaning of the Allotments Act, 1922, so however that a tract of mountain, moor, heath, down or cliff, shall not be treated as pasture ground for the purposes of this paragraph by reason only of the fact that sheep or cattle graze thereon;

(c) land used for a plantation or a wood or for the growth of saleable underwood;

(d) land used for the purpose of a park, garden or pleasure ground or otherwise for the amenity or convenience of a dwelling-house;

(e) land used for the purpose of a golf, course, race-course, training gallop, sports ground, recreation or pleasure ground, shooting range, or aerodrome;

(f) land vested in or under the control of a local authority (including any authority having power to levy a rate as defined for the purposes of the Rating and Valuation Act, 1925, or for whose expense a precept may be issued for the levying of such a rate, and any combination or joint committee of any such authorities as aforesaid), and used for the purpose of a park, open space, playing field, or for any similar purpose, and land acquired by such an authority for any such purpose;
(g) land developed or used, or in process of development, for quarrying or mining by means of open working, for the taking of stone, sand, gravel, clay, chalk, or other material, for boring, well sinking, shaft sinking, or other excavation, or for a railway (including a light railway) or tramway, and land within such a distance from any land or premises used for any of the said purposes that access by the public thereto would involve interference with the privacy of the land or premises or danger from or to the carrying on of any of the said purposes;

(h) land to which section one hundred and ninety-three of the Law of Property Act, 1938, for the time being applies.

Any public department may, subject to the approval of the Treasury, give notice to the Minister that it appears to them to be expedient that this Act should have effect in relation to any land which is under their control, or vested in them for public purposes or for the public service, in like manner as if this Act had bound the Crown, and, where a notice is so given, this Act shall have effect accordingly until the notice is withdrawn by a subsequent notice given to the Minister by the department.

This subsection shall have effect in relation to land under the control of, or vested in, the Minister with the substitution, for references to such a notice as aforesaid, of references to a declaration made by him.

3. (1) An order applying this Act to land may be made on the application —

(a) of the owner of the land, that is to say, the person entitled, otherwise than by virtue of powers vested in him as a mortgagee, to dispose of the fee simple thereof;
(b) of the council of any county, of any borough, or of any urban district having a population according to the last published census of more than twenty thousand; or

(c) of any organisation deemed by the Minister sufficiently representative of the persons likely to be benefited by the application of this Act to the land;

and not otherwise;

Provided that, to an application made by the owner of land of which another person is the occupier, or in which any other person has an interest not capable of being bound or over-reached by a disposition made by the owner thereof, the consent of the occupier, or of that person, as the case may be, shall be requisite.

(2) An application for such an order shall describe by reference to a map the land to which it is proposed that this Act should be applied by the order.

(3) An application for such an order shall give particulars of any limitations and conditions which it is proposed that the order should specify, and of any provisions proposed to be included in the order by virtue of subsection (4) of section one of this Act.

(4) At least one month before submitting an application for such an order to the Minister, the applicant shall cause to be published, in such manner as the Minister may direct, a notice of the applicant's intention to apply for such an order —

(a) specifying a place where the application and the map required by subsection (2) of this section may be inspected and where copies of the particulars required by subsection (3) thereof may be obtained,
and specifying the price (being a price approved by the Minister) at which such copies will be supplied; and

(b) stating that the applicant is prepared to receive and consider any objection which may be made to him in writing within such period (not being less than one month) after the date of the publication of the notice as may be specified therein;

and shall serve a copy of the notice on the owner of the land to which this Act is proposed to be applied (if not the applicant) and on such other persons as the Minister may direct.

(5) When submitting the application to the Minister, the applicant shall transmit to him any objection made to the applicant in writing before the end of the period specified in the notice, other than an objection which has been withdrawn, and the Minister shall consider any such objections, and may thereafter, and after holding such inquiries (if any) as he thinks fit, make an order in accordance with the application, with or without modification, if it appears to him to be expedient so to do having regard to all the circumstances, including the extent to which access by the public to the land to which the application relates has been allowed in the past:

Provided that -

(a) where an objection to the application has been duly made by any person appearing to the Minister to be affected thereby, and is not withdrawn, the Minister, unless he considers the objection to be frivolous or irrelevant, shall, before making an order, cause a public local inquiry to be held with respect to the
objection (at which the applicant and the objector and any other person deemed by the person holding the inquiry to be sufficiently interested shall be entitled to appear and to be heard), and shall consider the report of the person holding the inquiry;

(b) an order shall not apply this Act to any land not included in the land shown on the map referred to in the application as being land to which this Act is proposed to be applied; and

(c) if the Minister is of opinion that material depreciation of the capital or rental value of the land to which the application relates, or material loss or damage to the owner or occupier thereof or to any person having an interest therein, would be caused by the making of an order in accordance with the application without modification, the Minister shall make such modifications as are in his opinion necessary in order to prevent such depreciation, loss or damage, or, if it is in his opinion impracticable so to do, shall refuse to make an order.

(6) An order made under this section may be varied or revoked by an order made by the Minister in accordance with the subsequent provisions of this section.

(7) In relation to a varying order providing for the application of this Act to land, subsections (1) to (3) of this section shall have effect as they have effect in relation to an original order so providing.

(8) In relation to a revoking order, or a varying order not providing for the application of this Act to land, subsections (1), (3), (4) and (5) of this section (except, in the case of a revoking order, subsection (3) and paragraph (a)
of subsection (4)) shall have effect with the substitution, for references to the application of this Act to land, of references to the revocation or variation and, for references to the particulars required by subsection (3), of references to particulars of any variation applied for:

Provided that the persons by whom an application may be made shall include any person who is an occupier of, or has an interest in, any of the land to which this Act for the time being applies by virtue of the order proposed to be revoked or varied, and who claims that the revocation or variation is requisite in order to prevent such depreciation, loss or damage as aforesaid, or in order to prevent the continuance of acts which are offences under this Act, and if the Minister is of opinion that a revocation or variation is so requisite, he shall make a varying order giving such directions as are in his opinion necessary in order to prevent such depreciation, loss or damage, or the continuance of such acts, or, if it is in his opinion impracticable so to do, shall make a revoking order.

(9) The provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any inquiry under this section as they apply to local inquiries under that section, subject to the following modifications, that is to say -

(a) for references to a department, there shall be substituted references to the Minister;

(b) for the reference in proviso (b) to subsection (2) to the property of a local authority, there shall be substituted a reference to land to which the application giving rise to the inquiry relates; and

(c) subsection (4) shall have effect as if references therein to the payment of costs by a local authority
not being a party to the inquiry had been omitted.

(10) The Minister may require an applicant for an order under this section to cause to be published in such manner, and to serve on such persons, as the Minister may direct notice of the making of the order, and may refuse to make the order until he is satisfied that the requirement will be complied with.

(11) The Minister shall deposit a copy of any order made by him under this section with the clerk of the council of each county or county borough which comprises any part of the land to which the order relates.

(12) There shall be chargeable in respect of any business transacted by the Minister under this section such fees as he may with the approval of the Treasury determine.

4.-(1) When this Act is applied to any land by virtue of an order other than a varying order, the Minister shall attach to the order a map showing the land to which this Act is applied thereby.

(2) When this Act is applied to any land, or ceases to apply to any land, by virtue of a varying order, the Minister shall, by alteration of the map attached to the original order or by substitution of a new map, secure that there shall at all times be attached to the original order a map which conforms to the provisions of that order as varied.

(3) The Minister shall deposit a copy of any map or substituted map attached by him to an order with the clerk of the council of each county or county borough which comprises any part of the land to which this Act applies by virtue of the order and of any variation thereof, and shall notify to the clerk any alteration made therein by the Minister, and the clerk shall retain any map deposited with him under this
subsection until it is superseded by a substituted map or the relevant order is revoked, and shall alter it in accordance with any such alteration as aforesaid notified to him.

5. (1) If, upon an application made to the Minister by the owner or occupier of any land to which this Act for the time being applies, or by any other person deemed by him to be sufficiently interested therein, the Minister is satisfied that, by reason of any exceptional conditions of weather for the time being prevailing, access by the public to the land or to any part thereof is likely to result in fires occurring thereon, he may by order direct that during such period as may be specified in the order no person shall, without lawful authority (proof of the possession whereof shall lie upon him), enter upon the land or upon any particular area therein specified in the order.

(2) An order made under this section may be revoked or varied by a subsequent order made by the Minister.

6. No person shall without lawful authority (proof of the possession whereof shall lie upon him) in or upon any land to which this Act applies —

(a) draw, drive, ride, or use any carriage, cart, caravan, truck, cycle, or motor or other vehicle;

(b) light any fire or do any act which causes or is likely to cause a fire;

(c) take, or allow to enter or remain, any dog not under proper control;

(d) wilfully pursue, disturb, interfere with or injure any animal, bird or fish, or take or injure any eggs or nests;
(e) bathe in any non-tidal water in contravention of a notice displayed near the water prohibiting bathing;

(f) engage in any operations of or connected with hunting (otherwise than as a bona fide rider or huntsman with or follower of any pack of hounds), shooting, fishing, snaring, taking or destroying of animals, birds or fish, or bring or have any engine, instrument or apparatus used for hunting, shooting, fishing, snaring, taking or destroying animals, birds or fish;

(g) willfully damage the land or anything thereon or therein;

(h) willfully injure, remove, or destroy any plant, shrub, tree, or root or any part thereof;

(i) obstruct the flow of any drain or watercourse, open, shut or otherwise interfere with, any sluice-gate or other apparatus, break through any hedge, fence or wall, or neglect to shut any gate;

(j) affix or write any advertisement, bill, placard or notice;

(k) deposit and leave any glass, china, earthenware, tin, carton, paper or other rubbish, so as to create, or tend or create, a litter;

(l) engage in any riotous, disorderly or indecent conduct;

(m) wantonly disturb, annoy, or obstruct any person engaged in any lawful occupation;

(n) hold any political meeting or deliver any political address; or

(o) hinder or obstruct the owner or occupier of the land or any person having an interest therein, or any person acting under the authority of the owner,
occupier or person interested, in the exercise of any right or power vested in him by virtue of this Act or otherwise.

7.-(1) Any person who, in or upon any land to which this Act applies, contravenes or fails to observe any of the provisions specified in the last preceding section or any limitation or condition specified in relation thereto in an order made under section three of this Act, or any direction given in relation thereto by an order made under section five of this Act, shall be guilty of an offence under this section:

Provided that—

(a) in relation to a contravention of or failure to observe a limitation or condition specified in an order made under section three of this Act, this subsection shall have effect only if it is expressly provided by an order so made that this subsection shall have effect in relation thereto, and the Minister shall not make an order containing such provision unless he is satisfied that it is necessary so to do in order to prevent the continuance of contraventions of, or failure to observe, the condition or limitation, or in the public interest;

(b) a person shall not be guilty of an offence under this section by reason only of any unintentional failure to observe, or contravention of, a limitation, condition, or direction, prohibiting him from entering upon land to which this Act applies, or upon any particular area therein; and

(c) it shall not be an offence under this section to draw or drive a motor vehicle on any land within fifteen yards of a road, being a highway or any other road to which the public has access, and on
which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land, so however that nothing in this paragraph shall be construed as affecting the law of trespass to land, or any right or remedy to which any person may by law be entitled in respect of any such trespass, or in particular as conferring any right to park a vehicle on any land.

(2) If the owner or occupier of land to which this Act applies or any person having an interest therein, or any person acting under the authority of the owner, occupier or person interested, has reason to think that any person present on the land has been guilty of an offence under this section in relation thereto, he may (on production, if he is acting under authority) and is so requested, of evidence of his authority) require that person to give his full name and address, and if that person when so required refuses to give his full name and address or gives a false name or address, he shall be guilty of an offence under this section.

(3) Any person guilty of an offence under this section shall, without prejudice to any other liability, be liable, on summary conviction, to a fine not exceeding, in the case of a contravention of any of the provisions specified in paragraph (b) of section six of this Act, five pounds for the first offence and ten pounds for any subsequent offence, and, in the case of any other offence, two pounds.

(4) If any person, by any act or omission which constitutes an offence under this section, does, or causes to be done, any damage to property, he shall, on conviction of the offence, be liable upon the application of the person who sustains the damage to be ordered to pay to him as compensation therefore such sum not exceeding ten pounds as the
court before which he is convicted may consider reasonable:

Provided that this subsection shall not prevent the taking of any other legal proceedings in respect of that damage, so however that a person shall not be proceeded against twice in respect of the same claim.

8.-(1) Neither the access for air and pedestrian exercise to any land to which this Act for the time being applies nor any provision of this Act shall—

(a) prejudice or affect any right or power with respect to the use of the land vested in the owner or occupier thereof or in any person having an interest therein; or

(b) prejudice or affect any right to withdraw support from the land; or

(c) notwithstanding anything in any other Act, or in any statutory order, scheme or regulation, subject any person to any obligation to fence, or provide protection against any danger from quarries, mines, shafts, drains, wells, holes, reservoirs, ponds, watercourses, pipelines, aqueducts, posts, ropeways, transmission lines or electricity apparatus, or any places which may be or become sources of danger; or

(d) subject the owner or occupier of the land or any person having an interest therein to any liability in respect of any act or thing done, or omitted to be done, by any person allowed in consequence of this Act to have access to the land; or

(e) constitute the land an open place of resort for the public within the meaning of any licence under the Explosives Act, 1875, or subject any person to any statutory or other restriction in relation to the establishment or maintenance of any factory, magazine,
or store, for gunpowder or other explosives, or the making, storage, or keeping of any such explosives; or

(2) affect any highway or any right of way or other right or easement or afford evidence or ground for establishing or negativing a presumption of dedication of a highway, or the grant of a right of way or other right or easement.

(2) In respect of injury sustained on land to which this Act applies, neither the owner nor the occupier thereof nor any person having an interest therein shall be under any greater liability than he would have been under if the land had not been land to which this Act applies and persons allowed in consequence of this Act to have access thereto had been trespassers thereon:

Provided that nothing in this subsection shall be construed as authorising the owner or occupier of land to which this Act applies, or any person having an interest therein, to do or cause to be done thereon anything involving a contravention of subsection (1) of section one of this Act.

9.—(1) If, on an application for an order applying this Act to land, the Minister is of opinion that the making of an order in accordance with the application without modification would involve danger of pollution of a water supply of statutory water undertakers, he shall, in making any order in accordance with the application, make it with such modifications as are in his opinion necessary in order to prevent that danger arising, or, if it is in his opinion impracticable so to do, shall refuse to make an order.
(2) If, on a representation made to him by any statutory water undertakers or otherwise, the Minister is of opinion that the revocation or variation of an order made under section three of this Act is requisite in order to prevent danger of pollution of a water supply arising or continuing, he shall make a varying order giving such directions as are in his opinion requisite for that purpose, or, if it is in his opinion impracticable so to do, shall make a revoking order.

(3) Section three of this Act shall have effect subject to the preceding provisions of this section.

(4) In this section the expression "statutory water undertakers" means any company, local authority, board, committee, or other persons or person supplying water under an enactment, and the expression "enactment" means an enactment in any Act of Parliament, whether public general, local or private, and a provision in an order confirmed by, or made under, an Act of Parliament.

10. The council of a county, of a borough, or of an urban district having a population according to the last published census of more than twenty thousand, may pay or contribute towards:

(a) the expenses of the provision on land to which this Act applies of any facilities for the public, or works for the protection of the owner or occupier of the land or of the public;
(b) the expenses of the provision and upkeep of notice boards on any such land; and
(c) the expenses of, or incidental to, any application to the Minister for an order under section three of this Act.
11.-(1) The Minister may make regulations for giving effect to the purposes of this Act and, in particular, for prescribing the procedure to be followed in connection with the making of applications for orders under this Act.

(2) All regulations made under this section shall be laid as soon as may be before Parliament, and, if either House within the next twenty-eight days on which that House has sat after any such regulation has been laid before it resolves that the regulation be annulled, it shall thenceforth be void, but without prejudice, however, to the validity of anything previously done thereunder or to the making of a new regulation.

12.- (1) This Act may be cited as the Access to Mountains Act, 1939, and shall come into operation on the first day of January nineteen hundred and forty.

(2) This Act shall not extend to Scotland, or to Northern Ireland.

(3) In this Act references to a person having an interest in land include references to a person entitled to sporting rights thereover, notwithstanding that such rights may be enjoyed by way of licence only.

WHY ORGANISED RAMBLERS NOW OPPOSE THE BILL

These are the main provisions of the Bill and it will be apparent to anyone that it does not in itself give legal access to a yard of land, but only legal machinery for asking for it. In this aspect - that of the public who want access - the Bill is remarkably nebulous and indefinite. We are to rely entirely on the goodwill of the Minister of Agriculture. In the other aspect - that of the moorland owner - it is definite to an amazing degree. All possible, and some impossible, threats to the landowners' or sporting tenants' interests are most minutely covered. In short, the Bill is not so much a Ramblers' Charter as a Landowners' Protection Bill.

SCOTLAND IS LEFT OUT

By making the Bill so acceptable to the landowners' interests the first result was the removal of Scotland from its provisions. On realising the full implications of other amendments, however, the mountain lover can hardly be expected to lament this. Matters are obviously better in the Highlands as they are at present under Scottish law, than as they would be under this Bill. If Lord Bryce, who introduced the first Access to Mountains Bill in 1888, were alive to-day, it is safe to say that he would agree "The best thing about the Bill is that it does not apply to Scotland."
THE PUBLIC CAN NEVER EXPECT COMPLETE
UNRESTRICTED ACCESS

The fundamental change from a simple measure giving
general access, treating all owners of such land alike, to
one only providing machinery for seeking it is, after careful
study, a disastrous step from the point of view of the public.
This is so because each separate area will have to be fought
for and won, and the public can never expect complete
unrestricted access. In practice ramblers’ organisations will
be the only ones to seek access on behalf of the walking
public. In isolated instances large urban authorities may be
induced to take action, but as most of these authorities, in
the hilly regions concerned, are themselves moorland owners,
and, with the exception of Sheffield, have so far shown no
readiness to provide public access, it is unlikely that they
will do so.

THE MACHINERY IS UNJUST

The Ramblers’ Federations have neither the money, or the
personnel who can spare the time, to fight wealthy and
influential landowners time and time again at public enquiries.
It is also unjust that voluntary organisations should be
expected to pay the cost of obtaining access for the general
public, even the fees which under this Bill the Minister may
demand.

SEVERE RESTRICTIONS LIKELY

What manner of restrictions may be expected? Clause 1
tells us “in particular those prohibiting persons from entering
at particular periods or from entering particular areas of
such land.” Now that Scotland has been removed from the Bill
the problem is essentially a Pennine one, and in the Pennines
the only real obstacle to public access is the presence of
grouse. On grouse moors the most obvious periods for restrict­
ing public access will be the nesting season (April, May and
June) and the shooting season (August and September). On
certain areas the Minister may be induced to leave some of
the land open to public access throughout the year with
restrictions on access only over selected areas where the birds
nest, or where they are shot. In the great moorland areas of
the Pennines, however, where once away from the highway there
is every inducement to roam at will, this would seem to be
impracticable. Take Kinder Scout as an example. Here there are
fifteen square miles of exceptionally fine wild country, the
best in the Peak District, without a public footpath. Five
or six different landowners own parts of the moorland. There
are no obvious boundaries between their land such as walls
or fences, and yet in fairness each would have to receive the
same measure of protection. How will it be possible to
select six or seven small areas dotted about the mountain where
during certain months the public may not go, and yet allow
freedom to roam elsewhere. To anyone who knows the district
it is absurd, and the only practical step, if access is to be
prohibited under an Order, will be to close the whole area
during these periods. April, May, June, August, September —
the months when the majority of people want to enjoy the
countryside, including two or three Bank Holiday weekends.

Again, how will the public know when they have strayed
from Mr. A's land which has been brought under the Act, on to
Mr. B's which has not, or from one part of an estate open to
access on to another which is not? Maps may be inspected at
an office in the distant city. This is not much use to the
youth who has come to the district for a summer holiday!
A forest of notice boards. No true mountain lover – landowner or rambler – will want that solution!

THE "FIRE RISK" CLAUSE

At first glance it may seem reasonable to prohibit access altogether during periods when everything is exceptionally dry. The argument, however, is fallacious. Many fires are caused near public roads and footpaths by the careless picnicker; others by cigarettes thrown from moving vehicles; others by sparks from passing trains. There are bound also to be a few irresponsible persons who will stray on to the moors in any case, possibly ignorant of any restriction. After sunset the restriction will not apply because it can only apply to "access land" and after sunset all land will cease to be "access land." Thus there will remain many possible sources of danger, and a moor devoid of ramblers is a moor devoid of potential fire fighters, because the great majority of ramblers would do everything in their power to combat fires they came across and to prevent them starting. Time and time again we read in the press "Ramblers help gamekeepers to put moorland fire out."

On the Longshaw Estate in Derbyshire of the National Trust (1,025 acres) half of which is woodland and half moorland, there has not been one serious fire in over ten years of full public access. This is not due to the public being excluded but to the public being there, and, in particular, to the organised ramblers being there – as voluntary Wardens guarding the property of the nation.
THE MOST SERIOUS OBJECTION IS TO THE

"TRESPASS CLAUSE"

The most serious and objectionable clause in the whole Bill, however, is the "Trespass Clause," which is now framed in a more subtle manner than when it first appeared in a draft Bill introduced by the Commons Society last January. As was clearly brought out in the debates in Parliament, both in the Committee and on Third Reading, this will in effect alter the present common law of trespass when public access has been prohibited by Order, and make it a criminal offence merely to be on wild moorland (the least valuable of all land) without causing any damage, unless the trespass can be proved to be unintentional.

It is well known in the North that access to most of the moorlands can be obtained today by those prepared to trespass, and in fact there is a growing number of people who trespass on such land, because they believe the law which debar them from the beautiful, unspoilt, and quite uncultivated parts of their native land, is an unjust law which should be ignored. At present the only obstacles to such harmless trespass is the intimidation of misleading notice boards and aggressive gamekeepers. In innumerable cases, there is no interference at all, and it is well to bear in mind that the public are, in fact, "trespassing" on many Lakeland and Welsh mountains, just as much as they are when going over a grouse moor in the Pennines or a corrie in the Highlands. The only difference being the presence of grouse or deer.
"Trespass is not a 'crime' and no one can be prosecuted for mere trespass, in spite of the common form of prohibitory notice; only if he does damage intentionally (not merely by accident) can he be prosecuted. Where no wilful damage is done the owner's remedy is by action in the civil courts, and this is expensive and consequently not a satisfactory protection for him." (From an article "The Law of Trespass," by Mr. Humphrey Baker, M.A.)

It has been argued that the common law of trespass has already been altered by The Law of Property Act, 1925, in respect of urban commons as to which regulations have been applied. Again regulations in plenty exist in public parks. But these are the property of the public; the regulations are in the interests of the public; and the people who enforce the byelaws are public servants.

AN ABSURD STATE OF AFFAIRS

Under Section 3, Clause 8 (c) of the Bill the Minister has to refuse to make an Order if he is convinced the land will suffer serious material damage through even limited public access. On such land the deliberate trespasser will be no worse off than he is to-day. Is it not absurd that on other land, presumably less liable to harm through public access, the deliberate trespasser may be liable to prosecution?

Between sunset and sunrise there will be no "access land" at all. All will revert to the old system whether in a protected period or not, and anyone walking upon it will only be a trespasser subject to the common law. We are told that this has been arranged to prevent people claiming a right to be on the land, when their real intention is to poach. In effect, however, it will mean that the trespasser intending to poach will be
able to go on at night any land which in daytime is "access
land," without fear of prosecution unless his intentions can
be proved, or unless he is caught in the act of poaching.
The harmless rambler in the daytime, merely seeking "air and
exercise" on the same land, if this should be excluded under
an Order, will be liable to prosecution and a fine up to £2.

Again, as explained above, many types of land are
excluded from the Bill. Woodlands, plantations, farmland of
all types can never become "access land." The trespasser on
this far more valuable land, so carefully excluded from the
Bill because of its value, will only have the common law to
fear, but should be strait from it on to uncultivated moorland
which has been excluded under a Minister's Order - he will, in
the eyes of the law, be a criminal.

If instead of this absurd position land reverted to
"non-access land" during any period when the Minister decided
the public ought to be excluded, as all "access land" will do
after sunset, most of the public in all probability would
keep away - just as they do today. If anyone did trespass
then he would be no worse off than at present. If this had
been the Bill it might have been considered by many more
people as a small step in the right direction, instead of a
retrograde one.

As it is, the ramblers in many areas fear it is exactly
what landowners have been wanting for years. They are willing
for people (there would be only a few) to go on their land
between the end of the shooting season and the beginning of the
nesting season, the inclement months of the year, provided
they have a more effective method of keeping them all away
during the spring and summer months when most people naturally
want access.
THIS IS PUNITIVE, ANTI-SOCIAL LEGISLATION

That anyone should be liable to prosecution merely because he is on such land is a blow to the freedom of the individual which should be vehemently opposed by all who detest punitive and anti-social legislation. Do not let us forget that a hundred years ago many of these moorlands were waste lands open to all and were then crossed by innumerable ancient trackways and bridleways.

The keen ramblers will not be the only ones to suffer. People stopping in the district for their holidays; motorists passing through; country people living on the fringe of the moors—all will be liable to prosecution should they deliberately walk over forbidden land which comes under this measure. Anyone who ignores a notice prohibiting access under an Order will be committing an offence; thus in certain circumstances the familiar legend "Trespassers will be Prosecuted" will at last speak the truth.

To enforce these socially unjust provisions the gamekeepers are to be given certain powers hitherto employed by the police. Presumably they will have to decide just how much violence is necessary to remove the offender. They will be entitled to demand names and addresses if they have reason to think any offence, including trespass, has been committed, and refusal to comply will in itself constitute an offence.

ARE ORGANISED RAMBLERS UNREASONABLE IN THEIR DEMANDS?

This is a sorry stage to have reached in the fight for legal sanction to an undeniable moral right, and after an agitation which has been carried on over many years by the ramblers themselves. If all these restrictive and punitive
steps had been put forward by the landowning interests in a Bill to protect themselves a storm of protest would have been aroused throughout the country. As it is, by coupling them with a limited, and at present undefined, extension of public access, certain people may be led to think the organised ramblers are unreasonable in their demands.

Some have already stated that it is better to accept what they call the "half loaf" rather than go on struggling for complete unrestricted access. They say that the ramblers will be able to carry on their campaign for the principles of the original Bill, whilst enjoying a modicum of legal access under this one. But this is not "half the loaf"; it is what the Minister of Agriculture may decide in any particular place once he has been asked, anything from complete access with a host of new offences created, to no access at all.

This is not an "Agreed" Bill

Having considered carefully the text of the Bill the Ramblers' Association have arrived at the conclusion that this Access to Mountains Bill should be opposed as it is not an agreed measure. The House of Commons was assured last December that efforts would be made to bring forward an agreed Bill, but it cannot be too strongly emphasised that this Bill, as it stands, has never been agreed by those most directly concerned, i.e., the ramblers' own organisations who have been carrying on this campaign almost unaided for years past.
APPENDIX 7. Text of press release issued by Mr. Creech-Jones through the Labour Press Service in July 1939.

Supplement to the Labour Press Service. July 12 1939.

THE ACCESS TO MOUNTAINS BILL.

By A. Creech Jones, M.P.

The moors and mountains of the country today are privately owned. Rightly or wrongly the public for generations has been excluded from great areas of these lands. Trespass was an offence and the rambler could be removed by the landowner or his agent.

For fifty years efforts were made to secure for the public the right to air and pedestrian exercise over the moors and mountains. Every Bill promoted in Parliament was defeated by the landowning and sporting interests. In December last I secured the second reading of a Bill which was a plain declaration that the public should enjoy the right of access for air and exercise. The Bill did not define the lands concerned; it excepted certain types of land and imposed penalties for certain offences. The weaknesses of a Bill framed in this way were widely recognised.

There was a strong social case for opening out uncultivated land to public access. My Bill did not socialise the land, impinge on present users, or stop legitimate pursuits of securing an income by the owners. It only sought to create a public right and it accepted facts as they were.

I knew that deep-rooted interests in land would be disturbed, from the local authority and the public utility concern, to the sportsman, the private owner, the farmer and agriculturists and many others. Parliament, however, endorsed the principle of my Bill and asked me to make clear where the
public could go and how the public claim for access could be reconciled with the existing legitimate interests in the land. Anything more fundamental would need a public and not a private Bill.

**Difficulties that had to be overcome**

Private Bills have to work to a timetable. Negotiations with interested parties cannot be protracted. It was for this reason, and the difference in Scottish law on trespass, that I reluctantly excluded Scotland from the Bill. But discussions had already been initiated between the Commons, Open Spaces and Footpaths Protection Society and the landowners and sporting societies. It was suggested that in committee stage the results of these discussions should be used to amend the Bill and we should have regard to the 1926 Law of Property Act (Sections 193-4) which, without any difficulty or prosecution, had secured for the public access to great areas of common land.

The first difficulty which had to be overcome with the landowners was in respect to their economic interest in the land. Access, for instance, in great numbers might reduce shooting rents. Who would compensate? As no compensation could be paid - as a private Member of Parliament I could make no new charge on the Exchequer - I was obliged to agree that access should be restricted on such moors where it could be shown by public enquiry that substantial economic loss would result from access. It seemed fair that an independent authority should decide after a public enquiry whether any restriction was necessary.
The second difficulty was in respect to access where fire was an immediate danger, or where water might be polluted, or where sheep were with lamb, or where rare birds may be, or where shooting may be going on, — where certain legitimate interests were being pursued which the Bill had not stopped. Obviously, if restrictions were to be imposed they should be established in the light of public enquiry. For instance as against the owners, the ramblers might argue that public rights of way had on certain moors not interfered with breeding or shooting or that on shooting days it was only necessary to indicate a general route for ramblers to follow.

Machinery of the Bill.

These problems had in previous Bills been ignored. The original Bill had to be drastically amended — if only to implement the principle it declared for. Sympathetic lawyers searched for a method which would clearly define the lands, permit the public to know restrictions and exceptions, and provide machinery for dealing with the adjustment of the claims of the respective interests. They adopted the 1925 precedent because it had worked so successfully. It meant that lands must be opened by Order of the Minister of Agriculture on the application of an interested party and after public enquiry.

It is true that this did not give "general" access but permitted of piecemeal access only after contesting with landowners the claim in every district. But, in all the circumstances, there was no other way. The landowner no longer could stop access on his land but left to the discretion of the Minister whether any restrictions should be imposed.
This was a public minister charged by Parliament with the responsibility of securing the maximum access for the public. The restrictions would be imposed after a public enquiry in which all interests could appear.

The Minister would be publicly accountable for his decisions. The necessity of restrictions would have to be proved. That was why the Bill nowhere declares, except for fire and pollution, that the moors shall be closed for certain reasons or for certain periods.

There is no serious point in the alleged cumbersome nature of the machinery of the Bill. An open-air society, a local authority or landowner may apply for an Order. The local authority will pay any cost if it initiates the application, or it may contribute to the cost of the rambling society. It is hoped that agreement among the interests before application for an Order will obviate the expense and necessity of a public enquiry. By discussion between open-air bodies and groups of landowners in many parts of the country, large areas of country may be covered.

I hope that steps will be taken to create an Access Fund to help local societies in their applications where public authorities cannot be persuaded to act.

**Great Public Benefits.**

It will be recalled that the lands cover not only the moors of Derbyshire, but heaths, downs and cliffs as well as moors and mountains in all parts of the country. The Bill is unlikely to interfere with existing privileges where access on private property in the past has been enjoyed. It indicates clearly what lands are excepted from its operations. Even access land is only access one hour before sunrise and one hour after sunset. The legal liabilities of the landowners
remain unaltered. There are a number of offences, such as leaving litter, making fires and damaging trees, birds, etc., but they are less onerous than is often the case with public authorities and no reasonable rambler will want to infringe them. As to trespass, which was the subject of much discussion, the Bill provides that restrictions imposed by the Minister's Order should be observed, but when making an Order he will not permit a penalty to be attached to restrictions on those lands temporarily or permanently put out of bounds. He has power, however, to vary the Order in this respect should he restrictions be unduly abused by intentional trespass.

The Bill conveys great public benefits. Ramblers and local authorities are asked to co-operate to bring them to the public.
The advertisement that appeared in the Manchester Evening Chronicle on 30th April 1923.
(see page 214)
The gathering of militant ramblers in the quarry prior to the assault upon Kinder. (see page 230)

The procession of ramblers along William Clough towards Kinder. (see page 230)
ON KINDER.—The struggle between combined Sheffield and Manchester ramblers and gamekeepers yesterday, for which an inquiry starts on Monday next following.

News photographs taken during the melees on Kinder. (see page 231)

Gamekeepers and police advancing towards ramblers trespassing over the "Duke of Norfolk's Road", 18th September 1932. (see page 234)
A typical scene at the Winnats Pass in the early 1930s. (a picture taken by Miss Nora Willington in 1932)