

SOME NOTES ON PEAT WORKING AND TURBARY RIGHTS

Ivor J. Brown

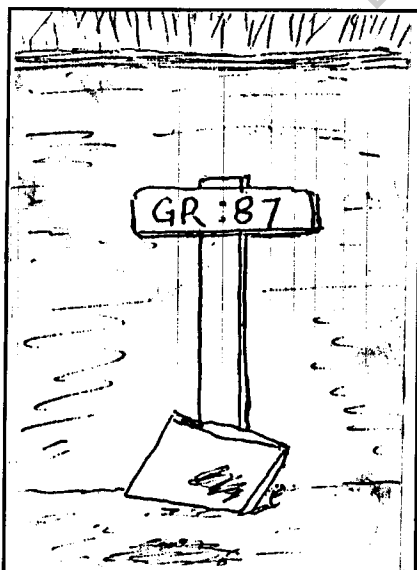
Abstract: The working of peat must surely be one of our oldest industries although some express doubts whether it is 'mining' or a 'mineral'. Customs and controls on peat winning do however extend back to early times and in at least one area there is a claim as far back as 1250. This paper looks at some of these controls and compares the situation with that which exists today.*

INTRODUCTION

When I took on the position of Minerals Planning Officer for West Yorkshire in 1977, I was informed that my work load included; "some thirty NCB mines employing about 30,000 men, 4 small coal and clay mines, seventy quarries and opencast sites and about 240 waste tips" - and about forty "one day a year" peat cutters who did not seem to have any planning permission. These peat cutters were, I was told, destroying the moorland around Holmfirth, an area soon to become famous as the *Last of the Summer Wine* country, a popular BBC programme.

The turbulent years of the 1970s and 80s decimated the number of coal mines and miners led by Arthur Scargill but the part-time peatcutters led by Arthur Quarmby continued to march on supported only by their ancient rights.

Peat is "a surface layer of decaying matter containing up to 50% organic material in a partly decomposed state". It can be to considerable depth - at Chat Moss, near Manchester, for example, up to 40 ft. Accumulations of peat are found in fens (basins, valleys and flood plains rich in nutrients carried in by rivers) and bogs (input of water from rain, thus having lower nutrient levels). There are two main types of bog: raised bogs and blanket bogs. The common 'lowland raised bogs' are found surrounded by solid land, often reclaimed, usually they have a domed shape and raised water table and may grade into fens. Blanket bogs occur in cool, often mountainous, areas, which are constantly wet. It is generally accepted that most peat was formed in the last 10,000 years.



Peat has been used from the earliest times as fuel and later, in some areas, as a source of charcoal for metalworking. In more recent times its use has been as litter or bedding for hens and animals (particularly when there was a great number of city horses). Since the

"Initialed post" marking a yearly claim at Hades Peat Pits, near Holmfirth in April 1987.

1960s vast amounts have been used for horticulture and this is now, except in Ireland, its principal use. The British Isles are said to contain about 10% of the world's peatlands and Ireland is the principal peat exporter in the world. England and Wales produce about 1 million cubic metres of peat per year and about half of this comes from Yorkshire and Humberside.

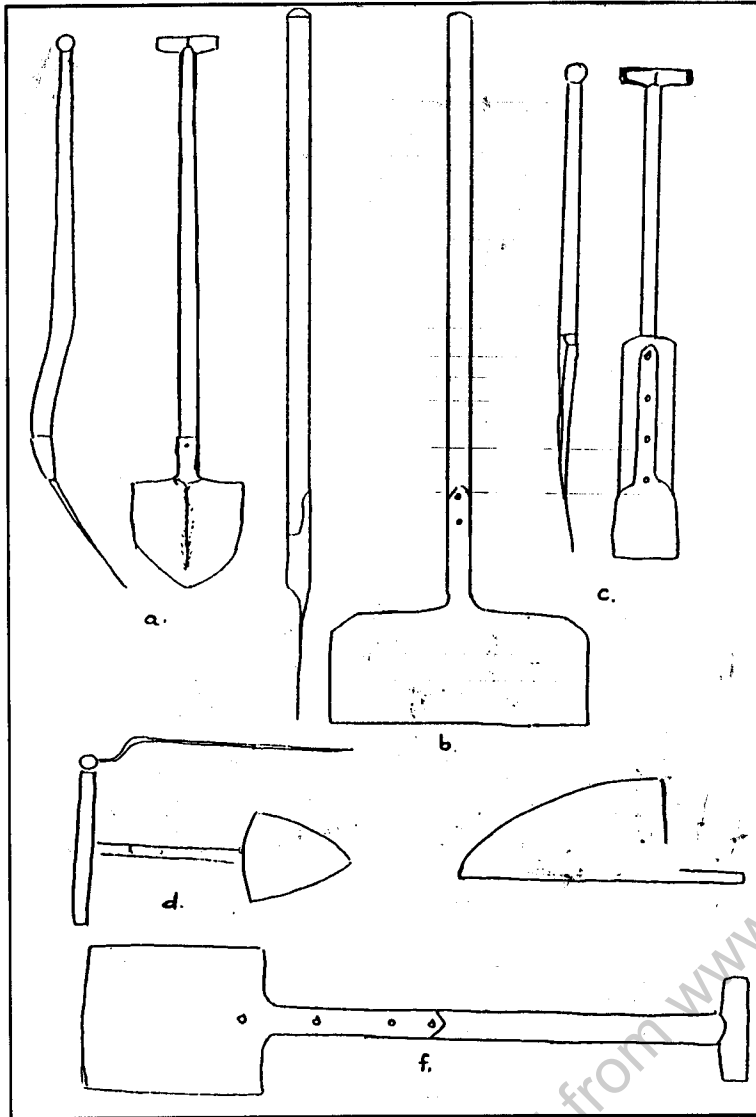
The value of peatlands is not only for use in horticulture, for which there are alternatives anyway, but it is now accepted that peatlands are "the habitat of specialised bog plants and birds and also hold climatic, botanical and archaeological records" and worthy of retention.

In 1990 it was estimated that the peat reserves of England and Wales would last for about 20 years. Total use in the UK then was about 2.5 million cubic metres. This included imported peat, the whole being worth about £65 million. Its value to industry means peat has always been accepted as an 'economic mineral' and both government and law treat it like any other mineral, e.g. it is subject to planning permission requirements. The British Government has recently published planning guidance for peat working, in line with similar guidance on coal, aggregates, oil, gas etc. However a big problem has been that 'peat' often occurs in 'moorlands', which were historically considered to be 'wastelands'. This was so even in the 1940s and 50s, Thorne Moor for example, was called 'Thorne Waste' and on this basis part was designated for colliery tipping. Early planning permissions did not consider these 'wastes' of any environmental value and placed on peat-working minimal, if any, conditions.

The background to peat-working and its control is probably best understood by considering its application in various areas.

(a) **Yorkshire South Pennines** - particularly around Holmfirth and Huddersfield: These are 'blanket bogs' on moorlands subject to a long tradition known as 'turbary rights', which allowed tenants to dig peat as fuel. The writer has not been able to trace the origins but documentation must still exist. Much has recently been written (and presumably researched) in cases of dispute with various authorities by persons in the defence of their turbary rights. For example, the hearth-holders of the Graveship of Holme (an area around Holmfirth) have fought both the Hepworth Iron and Clay Company, which tried to fence in large areas of the Moor for shooting purposes, and Kirklees District Council, who tried to enforce a 'Smokeless

* This paper was first delivered at the 1999 NAMHO Conference in the Forest of Dean. In the four years since there has been a marked reduction in active customary peat working at Holmfirth.



Traditional peat-working tools from Shropshire (based on personal observation and drawings by T. Morgan in Berry et al 1996). Key:
 a. Feyer b. Sticker c. Uplifter
 d. Nicker-out e. Hay-knife f. Cutter

Zone', which would have prevented them from using peat. The hearth-holders won both cases but, however, for the latter, moves had to be made to involve the International Court for Human Rights.

The Graveship of Holme has a Constable (a post said to go back to 1250 and which has been in the same family for some generations). The present Constable, Arthur Quarmby, is a staunch supporter of the turbary rights of the 100 or so families in his graveship (does this term come from 'gruving' ie mining?). Like his forebears, Arthur Quarmby swore an oath to the Crown and to the Lord of the Manor of Wakefield (who, at the time of the 1980s disputes, was believed to be Lady Diana Miller, daughter of the Duke of Leeds).

The writer has not seen the records of the turbary rights or the Constable's duties although the records of Edward the First in 1274 have been most frequently quoted as the basis. Studying the local 'Court Rolls' and land leases does, however give some idea of what the 'laws' must have covered. Peat has many alternative local names; turf, sods, turbary or flaghte and peat-working is often called 'digging', 'graving', or 'turf graft', the extraction area

is usually called the 'pit and gate'. A selection of conditions and offences relating to this or other local graveships is given in the following list, for details of these see *The Turf Pits* by Redmonds (1987).

1. Peat seems to have been worked or marked out on a single spring or summer day viz "has the liberty to grave turfs by the space of one daye yearly" (lease of 1615).
2. "fixed limits and bounds laid and set down" (1544).
3. no rights to "digg or grave turves or sods within 4 yards of the hyway". (1640).
4. must maintain ditches to keep the "water outside the pete pytte". (1570).
5. "dig the lowest Turife and clear out his own pits and take up the Topp Soddes or heap them properly" (1570).
6. every right holder to be present, "everyone absent at doing the Turffe Soddes" was liable to forfeit 2d (1570).
7. all must contribute "to the mending of the turfe gaites" (1639).
8. water must not be diverted "into the common road" (1584).
9. taking peat "over and across the land of others not permitted (1593).
10. must not "take away, or carry away turf of his neighbours" (1551).
11. must produce sufficient for the household for one year-but not more than is needed (fine 3/4d a cartload for excess).

The Constable's job seems to have included monitoring the diggings and apprehending persons from other districts caught 'digging turves' as well as tasks such as impounding stray cattle.

The working of peat around Holme does not have the benefit of formal planning permission but it is claimed that because it is worked for "own use" and not for commercial use it is exempt under the General Development Order. In this, for example, a farmer can dig stone from his land to build walls on his land without requiring planning permission - but unlike the commoner, in this case he would also either own or lease the land and mineral - the commoner does neither.

Each year about forty initialled posts still appear in the workings indicating that peat working rights have been claimed. The old workings are not themselves noticeable but the removal of the peat and the use of the gate-roads causes considerable erosion. The more recent end-on workings with pits dug in a continuous line are less conspicuous than the more random pit-like workings

(b). Shropshire - Whixall Moss (which becomes Fenn's Moss as it crosses the border into Wales) is a lowland raised bog but with, in some ways, a similar history to that of the Huddersfield area. Historical records, however, do not seem as complete for the early years in this area, as with the Huddersfield area.

Turbary is referred to in nearby Welsh peatlands from the 14th century but not at Whixall until the 16th, although working was almost certainly taking place much earlier than this. A reference

to Whixall in 1572 shows that turbarry was a right attached to a household, or property and not to the individual. (For other minerals and at other times a right to work a mineral was attached to an individual - who still held the right even when he moved a long distance away).

A lease of 1608 quoted in 'Fenn's and Whixall Moss' (Berry *et al* 1996 p47) shows the rules regarding drainage and amounts of peat to be taken annually to be similar to those in Yorkshire, but the households to which the rights were attached did not have to be within the specified mineral area. The Lord of the Manor obviously derived income from the cutting of turves in Shropshire but although the selling of peat was prohibited (substantial fines of 6s 8d are mentioned in 1599). The number of fines for selling to "foreigners" increased tremendously during the 17th century.

From about 1700 there was increasing regulation on the use of the land. This was detailed in the "Inclosures" of 1710 (by local agreements), which involved the allotment of land to various persons. Some ancient rights were however permitted to remain. In 1823 Whixall Moss was 'Inclosed by Parliament' and the old rights seem to have been lost. Until this time the bailiff or "Mossreeve" had an important roll in regulating the cutting and use of turf, in the allocation of turf "banks" and the assignment of new "banks" when others had been worked-out. A 'bank' was an 'area' of peat working, (later called a peat-acre). The new 'Inclosure' defined the most important features on the Moss, including roads of 14 feet, 21 feet, 24 feet and 30 feet width, two footpaths of 4 feet width, five public drains with bridges and culverts and the maintenance of same. The holders of the land now had the right to lease workings of peat to anyone at will.

Local peat-cutters continued to work Whixall Moss on a rented 'acre' by 'acre' basis from at least 1889 to the 1950s and 60s. As the years passed Fenn's Moss came under the control of companies and working became almost wholly commercial, eventually Whixall Moss came under their control too. From the 1960s to 80s the larger companies who took over the peat workings commenced mechanisation and this began to damage the important peatland considerably. In 1990 great effort by all the authorities concerned with the environment enabled English Nature (and its Welsh equivalent) to take control and under them only a handful of traditional 'peatmen' are now allowed to operate.

(c) **Chat Moss, Manchester.** This example, once a massive lowland raised bog with an area of over 10,000 ha., shows what might have happened at Whixall if things had been left to follow a normal course. There is now less than 1% of the peat area left after extensive drainage, peat cutting and waste disposal.

The peat is now being worked using most modern methods including;

(i) Block cutting, which has developed from the traditional method using spades with a right angled blade. Machines have replaced the man, and, although they appear antiquated with a complicated arrangement of chains, pushrods and

pulleys, they are relatively efficient. Blocks are cut along parallel lines approx. 20m long, the cut blocks being stacked on the adjacent undug side for drying. The blocks are left about a year to weather and dry and are then taken by rail to the main stockpile. Large areas of land are needed to maintain production

(ii) Extrusion - a "chainsaw" type device fitted with spoons and attached to a tractor is used to dig peat from vertical slits of up to 1m. in depth. The spoons carry the peat up to the surface where it is extruded through six tubes producing six lines of peat which are then cut at intervals and allowed to dry for up to 3 weeks. After collection the blocks are milled for bagging. The slits left after extraction soon close up allowing further peat to be extracted.

(iii) Surface milling - harrows or rotating drums disturb the surface to the depth of about one inch. This disturbed layer is then repeatedly turned over for a number of days before being collected into stockpiles. The method is dependent on the weather and is only possible for several months per year. It is a cheap method capable of extracting large volumes.

Less methodical methods are also used elsewhere in Britain including dozing into heaps and using excavators to dig out 10 x 1 m. deep ditches, the peat then being stacked and left up to 2 years for drainage before screening and milling.

CONCLUSION

This paper has attempted to show that not only has peat working been an important industry but it is also an ancient one with carefully guarded rights similar to those of lead, tin, coal and iron. Its study seems to have been overlooked and much more information could be available. There are a few books and papers which include information on the control of the industry but most deal with the actual methods of work, the tools and machines in use and the uses available for the mineral. Some of these are listed in the reference list below.

In the Graveship of Holme, the issue regarding planning permission for peat-cutting was not pressed before 1986 when, due to abolition of the Metropolitan County Councils, the writer

Hades Peat Pits or diggings near Holmfirth - the OS map describes it as "Peat Pit Moss". April 1987.



moved on. Having seen how the other challenges to the peat-cutters rights were dealt with it is believed that the successor authority to the County has also been reluctant to act. The peat-cutters of the "Summer Wine Country" continue to use their ancient rights just like the Forest of Dean Freeminers.

REFERENCES

- Anon. 1986 Peat Working in Greater Manchester. *Greater Manchester Minerals and Waste Disposal Unit Newsletter* No. 3.
- Berry, A.Q; Gale, F; Daniels V.L. and Allmark, W. 1996 *Fenn's and Whixall Mosses*. Clwyd County Council.
- Bjorling, P.R. and Kissing, F.T. 1907 *Peat, its use and manufacture*. Griffin. 1907.
- Bromehead, C.E.N; Edwards, W; Wray, D.A. and Stephens J.V. 1933 *Geology of the Country around Holmfirth*. Mem. Geol. Survey.
- Brown, I.J. 1998 Whixall and Fenns Moss. Below - *Quarterly Journal of the Shropshire Caving and Mining Club* 1998:3, p.13..
- Dept. of Environment 1995 *Mineral Planning Guidance 13: Peat* .
- Dept. of Environment 1995 *Restoration of Damaged Peatlands*. HMSO.
- Kerr, W.A. c.1906 *Peat and its Products*. Begg, Kennedy and Elder, Glasgow
- Limbert, M. 1985 A History of Hatfield Moors. *Old West Riding*, 5:1 (Summer 1985) pp.1-6
- Limbert, M. 1986 The Exploitation of Peat at Thorne. *Old West Riding*. 6:1 (Summer 1986) pp.9-16.
- Manchester M.C.C 1987 *Mossland Strategy -a Draft*.
- Manchester M.C.C 1987 *Minerals Local Plan. Draft Written Statement, 1985*.
- Manchester M.C.C 1987 *Mosslands Strategy - A Draft*.
- Redmonds, G. 1897 Turf Pits. *Old West Riding*, 7 : 1, (Spring 1987) pp13-14.
- Roberts, R. 1951 The Strenuous Art of Peat Digging and Drying. *Shropshire Magazine* (November 1951) pp20-21.
- Wilson, E.A. 1951 Among the trackways, windrows and stackways of the "Mosses. *Shropshire Magazine* (January 1951) pp.27-29.

DISCUSSION

The discussion at the Conference brought out several points but the one of greatest interest involved the interpretation of peatworking site remains. Several present commented that the slides which had been used to show the present day "pit and gates workings" were reminiscent of the features described by archaeologists as 'moorland hut circles' and 'fenced enclosures for stacks of winter fodder'. Could these latter descriptions be the results of misinterpretations?

Peter Claughton has contributed the following helpful note:

"Customary rights reflect what was an effective means of controlling resources. Those required for the maintenance of the community were constructed to prevent misuse - principally overuse, hence the restriction on production you noted for turbarry rights. Similar restrictions will be found in early manorial coal production and those on grazing are only now being enshrined in law by the Commons Commissioners. But such rights were not intended for commercial gain. The mining of metals, iron, tin and lead, on the other hand was intended to generate income for tenant and lord alike and custom between the dispersed mining fields of England, and Wales, reflects a common aim rather than a common source.

Where rights of turbarry were associated with metal production they were treated differently from those required to sustain households within the immediate community. Thus on Dartmoor those producing peat charcoal for the Stannaries, although confirmed in their rights in 1222, were expected to pay for the privilege, - see Fox, in 'The Archaeology of Dartmoor' (*Devon Arch. Soc. No. 52* 1996).

Ivor J. Brown.