

Questions for Peter Stubbs for 17th May Calderdale Local Access Forum meeting

Size of Rights of Way network

It occurred to me that there are a huge number of footpaths in Calderdale and perhaps Highways have a figure for the total length (or number) of these paths and the same for Bridleways. It would perhaps assist LAF members to appreciate the size of the maintenance task.

The length of the network, as currently recorded in the Definitive Map and Statement, is approximately 1,383km including 228km recorded as bridleway and 4km recorded as Byways Open to All Traffic (BOATs) or Restricted Byways. This is similar in length to Calderdale's adopted highway network.

The recorded length does not include numerous 'adopted' footpaths that are included in the Council's List of Streets but which are not recorded in the Definitive Map and Statement; nor does it generally include various other routes described in the List of Streets as 'maintainable in character only', generally having unsealed surfaces and green lane character .

Budgets

I would also like to know has it saved any money not having a dedicated ROW department?

Calderdale Council, like all local authorities, is under severe budgetary pressure and there have, of necessity, been savings in staff costs due to the recent comprehensive restructure of the Highways service. These savings cannot be easily attributed to any particular area of the service.

There's clearly a reduction in dedicated Rights of Way staffing with loss from the structure of the specific post of Rights of Way team leader, Investigations Officer dealing with user evidence based claims and the Officer post handling public path orders, managing the highway register and dealing with searches. However most of these duties have been picked up within the remaining structure to a greater or lesser degree.

The re-creation of a smaller Rights of Way team within the Highways Asset Management service is recognition that the previous disbanding of the team was a mistake.

Assuming that the Council is still responsible for the maintenance of the Statutory Rights of Way network within Calderdale of approximately 800 miles. What proportion of the re-configured Highways Department's budget is allocated for this purpose?

How is the budget spent to achieve these aims? Direct Labour, Contractors, Volunteer Groups.

I think it would be useful to know how the maintenance & repair of rights of way are prioritised and if they attract a fixed proportion of the Highways budget? What proportion?

The current highways revenue budget is £6.2 million per annum. Approximately half of this is allocated to maintenance works on the highway network, which includes the Rights of Way network, with the remainder being accounted for by energy costs (street lighting and signals), winter maintenance and flooding and land drainage.

The Rights of Way maintenance budget for this financial year is £53,350 plus an additional £60,000 being made available for dealing with drainage related problems out of the Flooding and Land Drainage budget. Additional government money allocated following the Boxing Day flooding events may also be made available to repair the resultant damage and regenerate affected areas.

The Council does not have a direct labour force and all work to the network is usually undertaken using local contractors and volunteers.

Prioritisation of work

What criteria are used to prioritise on which paths/ bridleways get attention from the reduced funding overall. Again assuming that National Trails passing through the area will score higher than most of the network, the second tier being the Calderdale Way, Todmorden Centenary Way and the Brighouse Boundary walk, how will any remaining funds be allocated to ensure a geographical spread throughout the Borough?

Issues on the Rights of Way network are recorded in the Countryside Access Management System (CAMS) and assigned priorities based on a number of factors including:

- the hierarchy of promoted routes;
- risk to the public of a reported maintenance issue;
- legal issues;
- access to schools;
- population.

Aside from the main promoted routes the Council also promotes the various 'Walks around...' leaflet routes. These are classed as level 2 priority.

The use of CAMS to prioritise works does not always happen and there has been and continues to be occasions when 'those who shout loudest' influence the prioritisation process.

Shibden & District Bridle Way Group has been going over 20 years. When will you upgrade some tracks to Bridleways? What is Calderdale problem with upgrading tracks to Bridleways?

It is unfair to suggest that Calderdale has a 'problem' with upgrading routes to bridleways. There are two aspects here – DMMO applications and proposed improvements/ creations.

Calderdale Council has a very significant backlog of applications to modify the definitive map and statement, including applications to add footpaths, bridleways or byways and to upgrade the recorded status of various footpaths. Most of these applications are contentious in some way and likely to attract objections. We have a duty to investigate the evidence prior to formally determining applications and making orders where requisite. The cases can often be legally quite complex. As a result investigation of claims is not a quick process.

Claims are prioritised according to a number of factors, one of which is the benefit to the network, where routes that would improve the connectivity of the bridleway network get a higher score. So some priority tends to be given to applications to add/ upgrade to bridleways/ BOATs.

Claims are currently at various stages, from those that are awaiting investigation, through to those that have had reports drafted preparatory to formal decisions by the Head of Service. The majority of the cases that are in the process of being actively investigated relate to upgrading the recorded status to bridleway or above.

The 2015 restructure has inevitably had an impact on the rate of progress in determining claims, and has curtailed the ability to carry out proactive research. However it is anticipated that we will be in a position to determine a number of bridleway claims over the next few months including cases at Acre Lane/ Popples Common at Heptonstall, Firth House Lane at Barkisland, the upgrade of footpath Sowerby Bridge 80 (The Mile Run) and Pump Lane amongst others.

Calderdale's Rights of Way Improvement Plan also recognised a need to improve the connectivity of the network, particularly through the development of new bridleway links. However the Government funding cuts since the recession led to the loss of a specific RoW improvement budget and the post of Rights of Way Improvement Officer. This significantly impacted on our ability to proactively make such improvements to the bridleway network.

A track in Clifton that had an application in to upgrade to a Bridleway is to be tarmaced and used as access for houses that are to be built on greenbelt - will this be the normal carry on for the future?

Development proposals are advertised and comments invited. Should objections be received these are taken into account prior to a decision being made on whether or not to grant planning approval. The suitability and surface treatment of the means of access is usually considered.

It would be wrong to object to a development proposal if the landowner has legitimate access rights over a track just because the track is a public bridleway.

There are numerous tracks and private accesses to residential and farm properties in Calderdale over which there is a public right of way. The tracks are generally privately owned and maintained certainly for vehicular traffic by the landowner or those people who have legitimate access rights. If bridleway rights exist then the Council is obliged to ensure that the track is in a reasonable condition for pedestrians, cyclists and equestrians to use and accordingly would, if asked, discuss with the landowner what surface treatments would be suitable for joint use.

People can generally walk or ride a horse or cycle over asphalt. The surfacing of a short section of bridleway would not prevent people using it. There are numerous private tracks across Calderdale over which there are bridleways and users happily co-exist.

The specific route in question at Clifton is part of Well Lane, currently recorded as a footpath, but subject to a claim to upgrade to bridleway. An application for outline permission for 9 dwellings was made in 2014 and subsequently approved. The planning application proposed improving part of Well Lane for vehicle access to the development. Highways Development Control officers were made aware of the alleged status of the way and took the equestrian use of the way into account when making their comments. They took the view that as a "relatively short length is involved it is not considered that the proposal would lead to a substantial loss of enjoyment of the route". Conditions were also imposed regarding the access. Rights of Way/ Highway Assets staff are frequently consulted regarding developments that may impact on public rights of way, and these are dealt with on a case by case basis.

Norland Moor

Do you have anything to do with the RoW on Norland Moor?

At the next meeting could we please have a copy of the draft and input from Peter Stubbs, representing Rights of Way and their perspective on Norland Moor?

Norland Moor is partly Council owned and Neighbourhoods & Community Engagement are looking at initiatives to manage its use, maintain the various routes running over it and look towards a sustainable drainage system. RoW team have been involved in ongoing discussions with N&CE regarding access on the moor, in particular use by cyclist. There are currently no recorded public bridleways on the moor, and cycle use is officially prohibited by the byelaws, although it is acknowledge that there is considerable mountain bike use already taking place. (There is a 'right of air and exercise' over most of Norland Moor that includes equestrian use). We will continue to work with and advise N&CE on the issue of how best to manage access, which might include either dedication of new public bridleways over particular routes or agreeing permissive access.

Following suggestions raised at the meeting RoW and N&CE will also widen the scope of current work to look at alternative routes around the Moor and whether improvements to these may take pressure off its use.

The options appraisal for Norland Moor will be available by end August for comments prior to writing a site management plan.

The last reconfiguration of the Highway's section resulted in the reduction of the Rights of Way team. This has left many user groups wondering what the future holds for what is after all a Statutory Duty for the Council to provide whilst still carrying out others which are not.

[This is covered in a previous question.](#)

Tourism

Most digital and written material produced by the Council places great store on Tourism providing jobs and an income stream. However without regular maintenance the network will become more difficult to access and may give a negative impression of one of the district's main visitor attractions.

[Agreed and it is certainly not the Council's intention to reduce the maintenance.](#)

Rights of Way Improvement Plan

The Rights of Way improvement plan is due to be revised in 2017. Who is taking the lead on this work and what involvement would you like from the Local Access Forum?

[Currently it is envisaged that the Transport Strategy Team will take a lead on this although this may change following appointment of new corporate leads and a view of team responsibilities. At this stage it is not possible to say what involvement we would like from the LAF but bearing in mind the limited staff resource available to us assistance/ input is more than welcome.](#)

Definitive Map

With regard to the 2026 cut-off date for historic Rights of Way to be recorded on the Definitive Map, how does the Council intend to process any claims before that date? This is quite concerning, particularly regarding the number of routes that have current claims based on user evidence that have been sitting with the Council for ages due to lack of resources to process them. Even claims that have got to the point of agreement, for example, Pump Lane at Southowram, are still then left in limbo due to waiting legal decisions about them.

I appreciate this is due to lack of resource rather than lack of will but I find it very concerning that historic rights of way that may have valid claims submitted may not get added to the Definitive Map because of this, particularly when such a lot of time and effort is done by the individuals who have researched them.

It is difficult to get the tone of a question in an email. This question is not meant in an aggressive or confrontational way, but more in a very concerned way about the lack of resource the Council has, whilst still having a legal obligation to process

modification orders in a timely and correct manner. Clearly the timely part is already lacking and this is not going to improve in a hurry.

It is acknowledged that the savings that have had to be made by the Highways service over the last few years has resulted in there being insufficient staff to keep pace with the number of claims and we currently have limited capacity to carry out proactive research. As 2026 is fast approaching, there will be a need to focus more closely on ensuring that we catch those historical (pre-1949) routes that may be either unrecorded or under recorded. As we get closer to that date the Council will need to work much more closely with user groups with a view to encouraging robust, well researched claims. Nonetheless, we are continuing to investigate claims and hope to be able to increase the rate at which we determine them.

There are various changes in the Deregulation Act that will impact on how we handle claims. The aim is to streamline and speed up the processing, although in some respects changes may also add to the Council's workload. The changes will include more protections to mitigate the effects of the proposed cut off. The Stakeholder Working Group is working with Defra on drafting the required regulations and guidance. It is anticipated that changes will come into force 'later in the year' and there is a brief summary at <http://www.oss.org.uk/what-we-do/rights-of-way/the-deregulation-act/>

It is possible that Highways may consider making more use of specialist consultants to investigate some claims, in order to speed things up. We may also consider more use of consultants in the processing of applications for diversion or extinguishment orders, for which there will generally be a 'right to apply'.

Also note that only claims based on pre-1949 historical evidence are affected by the cut off, not more recent user evidence based claims.