

# Kirklees Council's Public Rights of Way Forum

Huddersfield Town Hall, Monday 25 July 2022, 7pm to 9pm

## Notes of meeting and action points

### Present

**Chair:** Cllr Martyn Bolt

Attendees: Angela Bradley (AD); Bev Corrigan, Kirklees Bridleways Group; Bill Hunter; Bruce Bird (BB), Go Dewsbury; Christine Senior (CS); David Cook; Edward Bradley; Helen Leitch (HL), Huddersfield Rucksack Club; Helen Stevenson; Janette Pashley; Keith Looker (KL), Ramblers; Lynva Russell, River Holme Connections; Mal Gibb, Ride Kirklees; Mark Corrigan (MC), British Horse Society; Max Rathwell, Spen Valley Civic Society; Nigel Burton; Oliver Taylor, Footpath Secretary Huddersfield Ramblers; Richard Brook, Denby Dale Parish Council & Denby Dale Walkers are Welcome; Stephen Hill (SH) Open Spaces Society; Gideon Richards, Commissioner Kirklees Climate Commission (KCC); Virginia Stewart; Cllr John Nottingham; Cllr Paola Davies; Cllr Susan Lee-Richards

KC: Mark White (MW), Regulatory Management Group Leader; Phil Champion (PC), Definitive Map Officer; Sharon Huddleston (SH1), Assistant Definitive Map Officer; Deborah Stephenson (DS), Assistant Definitive Map Officer; Peter Banks (PB) Project Officer; Sandra Haigh (SH2), Senior Legal Officer; Sam Connelly (SC), Greenspace Environmental Action Manager  
KC Apprentice Countryside Workers: Andrew Duffield; Kayleigh Szostak

### Apologies

Ali Stopher, Environmental Projects in Kirklees; Barry Lee; Dave Rigby, S&G Walkers Are Welcome; David Wilde, Denby Dale Parish Council; Ed Day, Natural Kirklees; Harry Garland, KC Legal Officer; Jane Hodgson, Peak and Northern Footpath Society; Jenny Hemming, Marsden Walkers are Welcome; John Ingham, Holmfirth Walkers are Welcome; Mike Church, Ramblers North Kirklees Group; Martin Bennett PDLAF, Ramblers FP Sec for Derbyshire Dale; Mirfield Town Council; Nicola Taylor; Paul and Chris Horbury; Robert Nobles, NFU; Susan Chadwick; Cllr Aleks Lukic; Cllr Carole Pattison; Cllr Elizabeth Smaje; Cllr Fazila Loonat; Cllr Karen Allison; Cllr Melanie Stephen; Cllr Moses Crook; Cllr Musarrat Khan; Cllr Paul Davies.

### Welcome and introductions

Cllr Bolt welcomed everyone to the meeting. KC Officers introduced themselves. Cllrs introduced themselves. Cllr Bolt acknowledged the sad passing of Rob Dalby in 2021.

## **Resumption of PROW Forum**

It was noted that this was the first meeting of the PROW Forum since the beginning of the Covid-19 pandemic. MW apologised during the meeting for the lack of a PROW Forum during the Covid-19 pandemic - it had not been possible to hold a meaningful virtual meeting given limited staffing and urgent Covid-19 pandemic related work. MW reported the Head of Service had instructed the resumption of the PROW Forum.

## **Note of last meeting and action points**

It was confirmed during the meeting that notes of the PROW Form held on 19 November 2019 were circulated prior to the PROW Forum to be held on Monday 30 March 2020 (subsequently cancelled due to the Covid-19 pandemic), and again with the invitation to attend the PROW Form on Monday 25 July 2022.

## **Action Point Update from PROW Forum 14 November 2019**

### **AP1 (partly discharged)**

Andy Dunlop had requested sight of the letter about dispensation for PROW Forum replacing LAF; commented later LAF is 'statutory'.

- Tom Ghee (Group Engineer, Flood Management and PROW) presented a discussion paper to the PROW Forum on 30 January 2014 about Local Access Forums (vs Kirklees PROW Forum). TG agreed to discuss the situation further with Natural England and bring an update to the next PROW Forum.
- Minutes of PROW Forum on 24/5/2014 stated:  
6. Local Access Forums  
This was discussed at the last meeting. Formal LAF's had been difficult to sustain and had not been held for a number of years. Natural England confirmed that they were happy that the Kirklees PROW forum provided a suitable alternative opportunity for the community to discuss PROW issues.
- KC PROW contacted Natural England in June 2022 but has not located any written correspondence between the KC and Natural England about the above.

### **AP2 (discharged)**

Andy Dunlop said he would like to see progress with the two DMMOs: Wood Nook, and Holmfirth Cricket Club

- Holmfirth Cricket Club (file 169), application to record a restricted byway: Direction to determine DMMO by 10 October 2017. Order made 14 May 2018. Opposed Order referred to Secretary of State and consider by written Representations. Order confirmed by Secretary of State 2 February 2022.
- Meltham 38 and 70, Wilshaw-Wood Nook (file 193), application to upgrade to / add bridleway: Direction to determine DMMO by 30 June 2018. Application currently under investigation (user and landowner consultations already conducted). Report

to taken to committee later this year. In addition, there is an associated application to vary particulars of MEL/70 to record a gate. Consultations carried out in 2020 and a report will be taken to committee at same time as bridleway application.

**AP3 (partly discharged)**

Andy Dunlop asked what costs did Council incur over Nether Moor?

- SH2 advised that previous costs were the subject of Freedom of Information Act 2000 (FOI) request and are therefore in the public domain. PC recalled a figure of about £14,000 but added that may not be accurate.

**AP1 25/7/22 (discharged) Cllr Bolt requested the figure is obtained and reported in the notes of the meeting of 25/7/22.**

The FOI response dated 5/3/19 reported the KC costs for Huddersfield Byway 231, as follows:

- The costs of the legal representative for the work relating to the public inquiry on Huddersfield Byway 231 was £14,805.00 (ex VAT)
- Expert witness costs were £6,030 (inc VAT)

**AP4 (discharged)**

Oliver Taylor, Ramblers had asked for contact details for Becky at Transformers North

- Becky Houlding, Transformers North [info@transformersnorth.co.uk](mailto:info@transformersnorth.co.uk); [www.transformersnorth.co.uk](http://www.transformersnorth.co.uk)

**AP5 (discharged)**

Nicola Taylor (Chair) had asked whether Cllr Pandor could attend the PROW Forum as Cllr Pandor decides how the money is being spent. This request followed on from concerns made about DMMOs/SoS Direction timescales not met and lack of info or progress with some PROW matters resulting in questions being asked about how effective the PROW Form could be since it had no decision-making authority.

- Cllr Shabir Pandor was invited to PROW Forum 25 July 2022

**KCs PROW service update**

A PROW service update 'handout' was provided to those present at the meeting. This included progress with DMMOs under investigation, Directions received from the Secretary of State (SoS) at Defra, Public Path Orders (diversions, extinguishments, stopping up) and large maintenance projects completed and proposed.

MW talked about the PROW service's work, illustrated via a PowerPoint presentation. MW reflected that the significance of PROW services had increased locally and nationally because of the increased importance of the health & well-being agenda as a result of the Covid-19 pandemic, active travel, and climate change challenges. Additional staff had recently been recruited to PROW (Business Support Officer, Assistant Definitive Map Officer, and Project Officer) and recruitment was underway to appoint another Project Officer and a

further senior Definitive Map Officer. However, it was noted that there is general recruitment issue nationally, and in addition specialist PROW officers were in short supply with many Councils competing to recruit experienced staff.

### **Transpennine Route Upgrade (TRU)**

Cllr Bolt introduced the subject of Network Rail's (NetR) Transpennine Route Upgrade (TRU) given the Transport and Works Act had gone through on track works from Huddersfield to Dewsbury. Cllr Bolt expressed concerns about PROW diversions and timescales for PROW temporary closures. There followed some detailed discussion on specific parts of the PROW network affected by the TRU, which is not noted here. PC reported he had been working closely with NetR to seek to keep PROWs open, to minimise temporary closures and to advise on PROW related protocols for highway agreements etc.

Cllr Bolt and OT asked whether any permanent PROW closures were proposed - PC advised he was not aware of any permanent closures (although a small number of permanent diversions will take place), however there would be some temporary closures of PROWs and other highways, and, in some cases no practical temporary diversions would be possible.

Cllr Bolt asked who paid for KCs PROW Officer time on the TRU - PC clarified that NetR is expected to be making a contribution to defray officer time across various Council departments in connection with the TRU project. BB reflected that NetR monies might be better spent bringing in consultants to support PROW input to the TRU thereby releasing valuable senior DMO Officer time to the usual PROW service work.

BB also foresaw a 'golden opportunity' for NetR and KC to promote active travel routes especially between Dewsbury Riverside and the town centre - PC asked BB to forward any active travel route proposals [to [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)]. KL asked how the 'comms' for TRU related PROW closures would be managed out to user groups, walk leaders, the public etc - PC advised that NetR would handle the comms in collaboration with the Council's own comms team. Although the impact on the PROW network was a relatively minor part of the overall project, he would expect the relevant information to be provided as the project heads into the main construction phase. MC commented that he'd received information on the TRU from another Council, but not from KC.

**AP2 25/7/22 BB to forward any active travel route proposals related to the TRU to [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk) for the attention of PC**

### **Planning and PROWs**

Cllr Bolt introduced the subject of the planning system and PROW. It was confirmed that the PROW service is usually consulted on planning applications [including at the pre-application stage] and advice is provided on a case-by-case basis. PC confirmed that, generally, any granting of planning permission, would not in itself give permission to interfere with a PROW. [Diversions and extinguishments are provided for in separate legislation under the Town & Country Planning Act or the Highways Act.] SH1 clarified that it is possible for diversion applications to be consulted on before any consent is given. However, PROW would not make the diversion until planning consent had been given. SH1

added that the responses to the public consultation on the proposed diversion relating to PROW SPEN24, Amazon Warehouse, Whitehall Road were being collated and a copy would be provided to the planners.

Cllr Bolt asked about PROW conditions relating to planning permission - PC advised it was not generally good practice to apply conditions requiring, for example, diversion(s) of PROW(s) as that is covered by other legislation, but conditions requiring provision/approval of specifications for physical works affecting PROW are frequently requested. Cllr Bolt would like to see KC set a good example of planning and PROW best practice, suggesting that s106 agreements between developers and the local planning authority should include PROWs - SH2 advised that any such matters would need to meet the legal tests.

HL commented she received planning consultations directly and queried whether she needed to respond given PROW were also consulted – SH1 advised that arrangements had been made for user groups to review planning consultations directly so they could respond with local information, should they so wish. GR observed that there was an opportunity to create more active travel routes with every planning application presented and more PROW engagement and earlier on in the process was needed. MC commented he'd like to have seen a Planning Officer attend the PROW Forum – MW and Cllr Bolt agreed.

### **AP3 25/7/22 Planning Officer to be invited to future PROW Forums**

#### **Maintenance Works – capital, external, large**

PB presented examples of recent maintenance works carried out in house and by appointed contractors. PB noted there are over 2,000 recorded Rights of way in Kirklees, covering 1,100 Kilometres (700 Miles). There are also many other types of routes including, Greenways, Permissive routes, Cycle Tracks, Unclaimed Pathways, Open Access Land. PB's role is to arrange the general maintenance and upkeep of the PROW Network within Kirklees Priorities List. PB is also involved with the Trans Pennine Trail Maintenance, Signage, and liaising with Partners/Public. Generally, PB also liaises with landowners and Public about PROW Issues and giving advice.

PB showed before and after photos of 5 recently completed projects

- HOL/57, replaced old wooden steps with 100% Recycled Lumber to ensure structure longevity and durability
- SPE/151, footpath surface raised with edging boards and cambered; improved draining incorporated
- HOL/139/10, Severe erosion of 250-330m of footpath near Raikes Bridge, Hepworth; surface and sublayer of the footpath completely restored and rolled for 300 meters accompanied with 3 stone runoff drains
- MEL/84/30 Thick Hollins, two new wooden bridges with pitched steps and concrete abutments, replaced by TCV who work with younger people with disabilities or experiencing mental health issues and assist them with getting in to work.
- DEW/52/10 Fox Royd, new steps built by bridges and structures.

Cllr Bolt asked where PB got the recycled lumber - PB reported it was from Kedel, Manchester. Cllr Bolt commented that KC had put monies into developing such products locally, but those businesses were no longer present. BB asked whether Recycled Lumber burned - PB replied that it contained oil and as such it did burn but it would be very difficult to set light to. MR asked whether the structure contained stainless steel coach screws and is so, these would give way before the recycled lumber did – PB noted the comment.

NB noted the photo of a stone stile commenting that it would be difficult to get a buggy and children through it - PB replied that we are able to consider in some cases replacing structures with more accessible ones such as a bridle gate. OT commented that historic structures such as stone stiles should be respected - PC advised that such a stone stile is likely to be recorded on the DMS as a limitation. KL observed that other parts of the relevant path were not particularly generally accessible throughout due to the terrain.

### **Green Action Team**

SC talked about the GAT service's work, illustrated via a PowerPoint presentation. SC reported on the work of the Green Action Team which includes 17 Environmental Rangers arranged via Wards closely supporting the PROW service, but they also worked on Council owned land. SC confirmed that on PROWs Rangers carry out PROW surveys, vegetation cutbacks, liaise with environmental enforcement to work with landowners on minor enforcement works such as locked gates, stiles out of repair, unauthorised structures etc. Some Rangers may also carry out chemical vegetation control. The GAT team more generally is also involved with fly tipping, dog issues, abandoned vehicles, Public Space Protection Orders (PSPOs) etc and contains the environmental enforcement team preparing legal files to prosecute offenders which may involve PROWs. A table showing the number of requests received from July 2021 to June 2022 was show via PowerPoint – total of 1,264 requests.

### **Reporting PROW issues**

MW and SC briefly spoke about how best to report PROW issues. MC requested KCs generic email boxes should be used from this point forward for reporting PROW issues rather than individual officer email accounts.

The following information was included at the bottom on the agenda and handed directly to all present:

To report issues with a right of way:

[highways.ross@kirklees.gov.uk](mailto:highways.ross@kirklees.gov.uk) for PROW network maintenance such as vegetation cutbacks, obstructions, structures, surfaces, general maintenance

[prowgroups@kirklees.gov.uk](mailto:prowgroups@kirklees.gov.uk) for user groups only reports, queries

[publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk) for all other queries

Phone 01484 221000 and ask for Public Rights of Way

## **KCs PROW service plans and vision**

MW continued with the PowerPoint presentation. MW reported that PROW had gained more prominence in the KC and was now seen as a green space. BB empathised that whilst the PROW service may be 'trying their best' with limited staff, limited resources and a high volume of work, this was not, in his opinion, a robust management strategy - MW agreed and went onto report that a relevant strategy for the prioritisation and delivery of work was needed going forward.

## **KCs Rights of Way Improvement Plan**

MW briefly reported on progress with the ROWIP. Consultants were appointed a year ago, user groups had already been consulted, and a public survey monkey was live and had received over 70 responses. Disability groups were also being consulted separately. AB asked about the cost of the consultants and whether it was overspent – MW replied it was around £20k and was not expected to overspend. Cllr Bolt asked about next steps - MW reported that a draft ROWIP could be put before cabinet and be provided to the PROW Forum for comment.

## **AP4 25/7/22 Draft ROWIP to be provided to PROW Forum for comment**

## **Deregulation Act 2015 and repeal of 2026 cut off**

PC briefly confirmed that Defra has decided to progress the Right to Apply [for diversions on certain types of land] and Cost Recovery Statutory Instruments only and to repeal the 2026 cut-off date. Further details are not yet known but PC emphasises that the Right to Apply would impact on DMMO and PPO work.

## **Open Forum, Feedback and Discussion Topics**

### Who should be Chair

Cllr Bolt enquired about who should be Chair of the PROW Forum as he was standing in at short notice for the previous Chair - Nicola Taylor. Various attendees expressed thanks for Nicola Taylor's good work as Chair. Cllr Bolt asked whether the Chair should be a Cllr or not. Cllr Bolt observed that of the all the Cllrs invited, three were in attendance. Cllr Bolt held a straw poll and concluded that most of those present supported an independent Chair. Cllr Bolt commented that Nicola Taylor was no longer a Cllr and is therefore 'independent' of the Council. MW agreed to seek input from the Head of Service about who should Chair the PROW Forum.

## **AP5 25/7/22 MW to seek Head of Service input about who should Chair the PROW Forum**

### LAF versus PROW Forum

AB asked whether the PROW Forum was a public meeting - PC clarified that it was. OT observed that the PROW Forum had no executive powers. It was clarified that the notes of the meeting were not presented to cabinet nor circulated more widely than the PROW Forum. It was largely for PROW Officers and Managers to listen and respond to the concerns of the PROW Forum.

AB commented that her understanding was that a LAF was a decision-making body and although representatives would be voted on to it, the public may still attend. PC clarified that any LAF was an advisory body and representatives could be appointed to it and the main purpose was to support and advise Officers. PC commented that it would not be possible to service both a LAF and a PROW Forum and a LAF would have a narrower role and Officers would not be members of the LAF.

AB asked for sight of the dispensation from Natural England to hold a PROW Forum rather than a LAF as it had not yet been forthcoming despite being an action point on the agenda. OT commented that the said 'dispensation' from NA was 8 years ago and there was a need to revisit that decision. Cllr Bolt commented that whether or not there is to be a future LAF, the PROW Forum would be needed to continue.

**AP6 25/7/22 MW to contact Natural England and revisit advice on a PROW Form versus LAF given 8 years had passed.**

**AP7 25/7/22 PC to confirm whether the public may attend a LAF**

#### Notes and action points of the meeting

AB expressed concerns about the timeliness of PROW Forum notes and follow up on action points and wished to know when the notes of the meeting would be circulated to attendees; adding that it was normal practice to issue notes before people forgot what had been said. DS reported they would be circulated when they had been written up, and in a few days' time; PC commented they would be circulated 'sooner rather than later'.

#### Format of the PROW Forum

MW asked about the format of the PROW Forum and whether attendees were content to repeat the format in a few months. MW reported that various feedback had been received following invite to the PROW Forum including updates on specific cases, but this was not the purpose of the Forum. MC commented that he attended various Forums, and all were different, however he noted that North Yorkshire regularly included updates on around 10 cases - each with a limited time for discussion.

#### Surfaces and treatment of PROWs

Various comments were made about the progressive tarmacking of bridleways across Kirklees and the less than appropriate surfacing of tow paths by the Canal and River Trust. The £2million link between Bradley Greenway and Brighouse was noted as being not LTN 1/20 Cycle infrastructure design compliant and its reported they are not planning on making it equestrian friendly. MC emphasised that surface issues on PROWs is a major issue demonstrating, in his opinion, a disrespect to bridleway users on horseback. MC pointed out that tarmacking led people to believe routes are roads resulting in vehicular conflicts and parking issues. MW reported that the PROW service generally does not approve of tarmacking bridleways and will seek to assert and protect the rights of user groups. PC added that in some situations tarmacking of footpaths is the best option.

### Themes for future PROW Forums

Theme of next PROW Forum might be surfaces and treatments of PROWs, or Enforcement, although the theme would be decided nearer the time.

### Reporting of PROW issues

BB asked whether there are any plans to use technology more effectively to assist with reporting, logging, and communicating resolution of issues on PROWs. MW said there is every intention to do that, although it's part of a KC wide initiative (e.g., OSAM). MC commented that he'd not had a response to a suite of issues raised on 30 April 2022. MC commented that North Yorkshire County Council had a reporting system that provided id numbers and an expected date of resolution.

### **Any other business**

BB asked whether we could see the online Definitive Map. SH1 gave a very brief look at KCs Kompass Mapping showing digitised PROWs. [Whilst based upon the Definitive Map, is not the legal document and is for information only.] The public version of Kompass can be found on KCs website at [KOMPASS \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/kompass). When reporting issues on PROW it's helpful to use coordinates [for example Huddersfield Town Hall is x414469 y416398].

**AP8 25/7/22** (discharged and see **Annex 1**) **SH1 to send the Kompass link and instructions to all attendees**

**AP9 25/7/22** **SH1 to seek to update email addresses and contact details.**

### **Date of next PROW Forum**

The next PROW Forum is expected to take place on a Monday at the end of November 2022 and depending on the availability of the Chair [either 21 or 28 November]. Since the acoustics appeared problematic in the Reception Room, SH1 would check availability of the Council Chambers so that microphone and/or hearing loops could be used.

### **NB**

Please note that the above 'summary notes' are not full minutes nor a transcript of the PROW Forum meeting. To provide a coherent note of the meeting some discussions have been written up out of the order in which they were spoken. In addition, some matters have been elaborated on for clarity. Any comments on these notes can be brought to the attention of the note taker (DS) via [publicrightofway@kirklees.gov.uk](mailto:publicrightofway@kirklees.gov.uk)

## Annex 1

### Kompass Mapping instructions circulated by email Wednesday 27 July 2022

The digitised Public rights of way, and claimed paths and pending diversions, can be found at the following link:

<https://www.kirklees.gov.uk/beta/countryside-parks-and-open-spaces/Search-for-public-rights-of-way.aspx>

To access the map, you will need to click 'I accept' for the disclaimer. It is best to then select view full screen map.

When the map opens this shows the recorded rights of way. Selecting the paper stack icon on the top right-hand side gives access to the other options. This includes any pending diversion and definitive map modifications received. This is also how the aerial photos and historic mapping is accessed. Clicking on any of the dotted lines, that shows the changes to the map, further details will display in the panel on the left

The search box at the top left-hand side will accept addresses, post code and path numbers. The format for path numbers is the first 3 letters of the area then "/" then path number then "/" e.g., hud/1/ will give all the path links on Huddersfield 1. If you do not put the second "/" the results will also include hud/10, hud/11, hud/100 etc

The coordinates of a location can also be found by selecting the location on the map (shown by the red marker). It is best to include this in any request as it help locate any issue.

For requests to the PROW team, please email [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

Sharon

