

Failure to record rights under NPACA 1949 in the West Riding

The lack of higher rights of way on the present-day definitive maps in the metropolitan boroughs in West Yorkshire can be directly attributed to manipulation of the recording procedure by West Riding County Council in the 1950s and 60s. It is not that the true status of routes was not known, or that evidence did not exist, or that people did not claim bridleways and RUPPs. There was a deliberate decision by the county council – and colluded in by some of the district councils – to reduce the public maintenance liability by altering the status of bridleways and RUPPs shown on the draft map to footpaths on the provisional map. This is well documented for the West Riding. The relevant files are available in the West Yorkshire Archives HQ at Wakefield, but the following extracts reveal what happened.¹

Routes that were recorded as cart roads (CRFs and CRBs) on the walking schedule prepared by the district councils were initially recorded as RUPPs on the draft map.² This was then advertised. At the end of the consultation process, the county council became concerned at the potential maintenance liability of the recorded footpaths and bridleways, and circulated the following memo:

. . . where the width of any public path has been shown . . . greater than normal, i.e. that any footpath included in the Statement accompanying the Draft Map which is shown therein at a width not exceeding 6 feet, be retained but all footpaths having greater widths than 6 feet should be changed to 4 feet; likewise that all bridleways (normally considered to be 8 feet wide) which are shown of greater width than 10 feet should be reduced to the standard 8 feet. . . . You will appreciate the point has been raised in order to define the liability of the highway authority within the limits of the ways which in some cases are 20, 30, 40 and sometimes more feet between fences (memo of 2 December 1954).

It then became obvious that if RUPPs were modified to bridleways, the maintenance liability would be further reduced. The draft statements were accordingly amended so that the phrase 'road used as a public path' was prefixed with the word 'bridle'. However, this produced a bastard category, which resulted in the following memo:

- 1. In the Statement accompanying the Draft Map, there are many cases where Bridleways are described as "Bridleroads used as public paths".*
- 2. You will probably agree that descriptions in the Statements should be confined to those appearing in the Act, that is, "Bridleways", "Footpaths" and "Roads used as public paths".*
- 3. I am commencing the preparation of the Provisional Map and Statement for No. 4 Area³ and I think only the terms used in the Act should be used in the Statement.*
- 4. When the proposed modifications for No. 4 Area were placed before Committee, I did not consider it necessary to treat matters*

¹This information has been supplied by Jeni Gilbert (BHS West Yorkshire). The catalogue reference number is RD1/2/71.

²The draft map for Area 5 was sealed on 22 December 1952.

³For definitive map purposes, the West Riding was divided into five areas. Area 4 covered Barnsley, Royton, etc. Area 5 included Calderdale, Kirklees and Bradford

of this kind as formal modifications under the Act and they were not included.

5. I should be glad, however, to hear that you are agreeable to the type of alterations I have described being made when preparing the Provisional Map (Memo of 28 May 1957).

The reply on behalf of the Clerk of the County Council warned against such a course of action:

Having regard to the provisions of section 30(3) of the above Act [1949], I am of opinion that no such alteration as you suggest should be made when preparing the statement accompanying the Provisional Map. I also consider that in the areas where no modifications to the draft map have yet been made it would be undesirable to recommend the County Council to modify the draft map in this manner unless it is as a result of an outside objection or representation (13 June 1957).

From the Ripponden files, it appears that, in line with the Clerk's caution, the county council had already discussed matters with the district councils regarding representations that the 'Bridleroads' should in fact be modified to footpaths. On 11 April 1957 the Engineer & Surveyor of West Riding CC sent the modified draft statement to Ripponden UDC, with the following letter:

With reference to the discussion which my representative had with you some time ago, I send herewith a copy of the Draft Statement on which are indicated in red the modifications which it is understood you require in the Urban District. . . . It is presumed that where a reduction in width is required, it is on the grounds that the public rights are confined to that width.

The reply from the District Council reads as follows:

. . . I herewith return the draft Statement with the modifications to which have been approved. The reductions in width of several of the paths arises out of a discussion with your Mr Gowling upon the implications of the excessive width previously included (14 May 1957).

The report forms with the representations from the district councils exist for many of the urban districts in the West Riding. Each of these contains an instruction to replace 'Bridleroad used as a public path' with the word 'Footpath' and to reduce the recorded widths to 4 feet. For parish after parish RUPPs and bridleways were silently reduced to footpaths.

The Area Sub-Committee Reports (RD1/2/76) at Wakefield specifically refer to these silent demotions, and record the number of alterations to status and/or width. The figures are as follows:

Area 1	439
Area 2	471
Area 3	351
Area 4	not stated
Area 5	879

These, excluding Area 4, add up to 2,140 changes.

A memo of 2[?] October 1957 records the number of objections and representations received in each of the five areas as 944, 530, 364, 583 and 1,074, giving an overall total of 3,495.⁴ Clearly the lost RUPPs form a high proportion of the total number of changes.

Under the 1949 Act any modification to the draft map to alter the status of a public path from bridleway to footpath or vice versa did not have to be advertised. However, the deletion or addition of a public path or a RUPP had to be advertised in the *London Gazette* and a local paper. Examination of the *London Gazette* for 29 July 1958 which advertised the modifications to the West Riding draft map has no record of deletion of any RUPPs or the compensatory addition of any footpaths. All that is advertised for the Ripponden Urban District is the deletion of three bridleways and the addition of one, although 93 roads and Bridleroads that were recorded on the draft map appeared as footpaths on the provisional map. Failure to advertise these changes is confirmed by the West Riding CC records at Wakefield, which contain the lists of modifications to be advertised in the *London Gazette*.

The expunging of the RUPPs originally recorded on the draft map took place without the public having the opportunity to object. The subsequent provisional map was not open to public objection, so the modifications appeared on the definitive map without challenge.

The definitive map was published in 1973. The quinquennial review started in 1978. All over Area 5 representations were made about missing bridleways. West Yorkshire Metropolitan CC, the successor to the West Riding CC, produced a draft revised map showing many of the lost RUPPs as bridleways. With impending local government reorganization, the county council decided to add to the review map only those bridleways to which there was no objection. Where an objection or representation had been received, even if it was that the status of a proposed bridleway should be BOAT, the original footpath status remained, with a note in the file to refer the matter to the Secretary of State under the WCA 1981 procedure.

In Ripponden, 28 of the 91 lost RUPPs were restored as bridleways at the review. However, in Todmorden Borough all the unsealed unclassified roads, which had been maintained by the borough council until 1974, were put on the definitive map as footpaths. Win some, lose some.

The revised map was published in 1985, West Yorkshire MCC was abolished in 1986, and the metros took over. None of them had any experience of the continuous review process or were equipped to undertake the work. Under the 1981 Act, the first of Ripponden's lost RUPPs went back onto the definitive map as a bridleway in 1997.

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⁴The total number of paths in the county was 11,500, of which 3,500 were modified at draft map stage. The county council instructed the district councils that UCRs should not be put on the draft map as they had higher status. Statistics were sent to the Hon. Secretary of the Central Rights of Way Committee based at the Temple, London. This seems to have been a requirement for all authorities. It may be possible to track down the whereabouts of this information, which would give some idea of the extent of unrecorded rights across the country.

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