

EXHIBIT 'RHB1'

This is Exhibit 'RHB1' as referred to in the Supplementary Statement/Proof of Richard Howard Butterfield

Correspondence between Mr. Butterfield, Mr. Cheetham and Mr. Battersby

From: Giles Cheetham <Giles.Cheetham@kirklees.gov.uk>

Sent: 30 March 2020 18:37

To: Karl Battersby <Karl.Battersby@kirklees.gov.uk>; Richard Butterfield

Cc: Noel Scanlon <noel.scanlon@nsconsult.co.uk>; Rob Dalby <Rob.Dalby@kirklees.gov.uk>

Subject: RE: Can you help please?

Hello Richard,

Thanks for your email.

I see that you already had a response from Karl Battersby, saying this would be looked at.

This topic has been discussed at the top today, in the Gold level meeting.

I have been made aware of the following subsequent response, which concerns both widespread and individual closure:

“This has been discussed at Gold level today and the view is that a programme of wholesale or blanket closures would not be appropriate at this point. As such a blanket ban would preclude people not only undertaking exercise, it might well close routes that are used to reach destinations.

It is fully appreciated that the farming community is vital to the ongoing response to this epidemic, but they also should be following the government advice on hand washing etc as such the risk is considered to be small for the majority of impacted people. That said if there are any sites that do have vulnerable people associated with them then they will be considered on a case by case basis, and if there are gatherings or very high volumes of passing people then we will look to send out signs reminding people of the government instructions, and if this does not have the required outcome then considering asking WYP to provide a presence if they have capacity.

In addition West Yorkshire Police have produced a letter that clearly sets out that dog walking or other exercise should be done from your own home. This is coupled with further actions such as deployment of CEO's to observe and advise of people not observing the distancing instructions.

These measures will allow protection of those high risk individuals without closing the network.

This will of course be reviewed if the matter is not resolved by these actions.”

Officers are keeping an eye on the national, as well as the local, position.

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<https://www.westyorkshire.police.uk/coronavirus>

Latest government guidance regarding access England was published on Friday, including:

<https://www.gov.uk/government/news/coronavirus-guidance-on-access-to-green-spaces>

Specific closure provisions* associated with Coronavirus have been enacted in Wales but do not apply in England.

*Applicable in specific qualifying circumstances.

Please let me know if you would like some wording for a sign regarding social distancing and the potential for offering people the choice of an alternative route.

We continue to receive similar enquiries and this is a matter with ongoing consideration.

Regards,

Giles

Giles Cheetham

Definitive Map Officer – Public Rights of Way

Streetscene & Housing Service, Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for Giles Cheetham or dial 74205

✉ giles.cheetham@kirklees.gov.uk

🌐 www.kirklees.gov.uk/

o Public rights of way: local authority responsibilities <https://www.gov.uk/public-rights-of-way-local-authority-responsibilities>

o Public rights of way: landowner responsibilities <https://www.gov.uk/public-rights-of-way-landowner-responsibilities>

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RE: Can you help please?

DELETEREPLYREPLY ALLFORWARD

Mark as unread

Richard Butterfield <

>

Mon 30/03/2020 20:02

To:

Giles Cheetham <Giles.Cheetham@kirklees.gov.uk>;

Karl Battersby <Karl.Battersby@kirklees.gov.uk>;

Cc:

Noel Scanlon;

Rob Dalby <Rob.Dalby@kirklees.gov.uk>;

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Dear Giles,

This response completely ignores what is actually happening. Presumably you haven't seen the Netherthong village blog either, promoting this walking route as ideal for groups to enjoy whilst bored, we are experiencing almost 3 times the traffic that normally uses the route. Watching them lean on my fence, stroke the horses, and chat in huddles is pure stupidity, and if this is not seen as a safety issue to me and my family, I'm not sure what is. Watching them squeeze past each other on the 1.0m strip for those who head up to huddle around the trig point is also stupid, and if you can't see that it needs a closure as the only way of stopping this happening, then you are ignoring the issue whereas you could directly fix a problem and help stop the spread of this disease.

No thanks, suggested wording for a sign on the requirements for social distancing offers me no help whatsoever Giles. It is entirely within your powers to temporarily close any footpath where there is a safety issue, I maintain that this is a safety issue, and the measures you suggest as fixing the problem (a police guideline on dog walking from home? / deployment of CEO's to advise on social distancing) are clearly making no difference.

I had expected a slightly more reactive and pragmatic response, I could have found the "guidance" web sites for myself Giles, I was asking for specific help to a specific problem using the powers at your disposal, and for Kirklees to take an action that helps stop the spread of this disease. This attitude offers no protection to those "high risk individuals" the statement suggests. To give this a practical perspective, my wife has zero immune system following extensive cancer treatment, but we need to guard the rights of irresponsible walkers first and foremost as they meander past my entrance having stroked the horses and chatted to their friends.

I had just about got used to being an open target for burglary after being forced to leave my gates wide open after 25 years (first burglary a complete drive in success) and I must now accept a high risk of infection for my family, unless my wife remains locked in the house for 3 months as a prisoner, whilst a growing volume of people, enjoying "leisure time whilst off work" are actively encouraged to increase use of this route. Those guidelines are clearly not helping in the real world.

The response to my pleading request for help is completely outrageous Giles, I was not asking for a blanket closure, but specific help to a high risk issue that is entirely within the powers of Kirklees to mitigate, and I had hoped you might help, but clearly not.

Richard

Richard Butterfield | Group Chairman

From: Giles Cheetham <Giles.Cheetham@kirklees.gov.uk>

Sent: 30 March 2020 18:37

To: Karl Battersby <Karl.Battersby@kirklees.gov.uk>; Richard Butterfield

Cc: Noel Scanlon <noel.scanlon@nsconsult.co.uk>; Rob Dalby <Rob.Dalby@kirklees.gov.uk>

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Giles

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Definitive Map Officer – Public Rights of Way

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From: Karl Battersby

Sent: 28 March 2020 17:44

To: Richard Butterfield <

<Giles.Cheetham@kirklees.gov.uk>

>; Giles Cheetham

Cc: Noel Scanlon <noel.scanlon@nsconsult.co.uk>

Subject: Re: Can you help please?

Hi Richard , thanks for the email.

A Councillor has raised a similar issue with us. I will pick up with Giles and Rob on Monday.

Regards.

Karl Battersby
Strategic Director Economy and Infrastructure
Kirklees Council
Karl.battersby@Kirklees.gov.uk
Mob: 07790642234

From: Richard Butterfield < >
Sent: Saturday, March 28, 2020 5:21:56 PM
To: Giles Cheetham <Giles.Cheetham@kirklees.gov.uk>
Cc: Karl Battersby <Karl.Battersby@kirklees.gov.uk>; Noel Scanlon <noel.scanlon@nsconsult.co.uk>
Subject: Can you help please?

Dear Giles,

I hope that you can help please.

Contrary to all of the Coronavirus guidance and all that is out there in the world at the moment, for some strange reason people seem to think that it is ok to use the footpath, both the current footpath next to my house and the one which I intended to divert, in large groups. Worse still, these groups - and I am talking six, ten and twelve people at a time in some cases - are congregating and stopping to have a chat in close proximity, the very opposite of so-called social distancing. It is as if some people do not appreciate what is going on in the world at the moment. Some people seem to be operating in a parallel universe where this thing is concerned.

I spoke with Noel Scanlon this weekend, who told me that there is no point applying for a temporary diversion, because you will doubtless have other priorities at the moment and by the time that gets to being considered (if at all), this whole Coronavirus saga will hopefully have passed. However, Noel did tell me that if there is a likelihood of a danger to the public, which there clearly is by the actions of a large number of people in this case potentially spreading an incurable deadly virus amongst themselves, me and my family and anybody on the site next door, that a Council has the legal powers to make an emergency closure of a footpath by notice. He did say this was for a short period - I think he said three weeks or something like that, but that is better than nothing and hopefully helps send the message.

This is not some kind of ruse on my part about the diversion. This is about safety and making blissfully ignorant people wake up to what is going on. These large groups should not be walking together or congregating on either footpath, mine or the one that I intended to divert, which to be fair I let people use. However, if they are using the diverted route, at least they are away from my property and the one next door. At least they will not potentially be spreading this frightening virus to me or my family. If I leave the diverted path part open, they can still keep going to wherever they 'need' to be getting to, hopefully in a more sensible fashion.

Can you please look at putting an emergency closure immediately on this part of the footpath (A to B, as you know it)?

Thank you for your consideration.

Regards

Richard