

FORM OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1983 (Schedule 7)

DEFINITIVE MAP AND STATEMENT
DISTRICT OF
PARISH OF

TO: CALDERDALE METROPOLITAN BOROUGH COUNCIL

OF: NORTHGATE HOUSE, NORTHGATE, HALIFAX, HX1 1UN

)
MOORLANDS RIDING GROUP
I/We (name of applicant) + CALDERDALE SADDLE CLUB
+ SOUTH PENNINE PACKHORSE TRUST
Of (address of applicant)
SPRING HAVEN, ELLAND ROAD
RIPONDEN HX6 4JN

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement of the Area by:

1. Deleting the ~~*(footpath) (bridleway) (by-way open to all traffic)~~
shown as number

) from
to

2. Adding the ~~*(footpath) (bridleway) (by-way open to all traffic)~~
from
to

3. ~~*(Upgrading) (downgrading) to a *(footpath) (bridleway) (by-way open to all traffic) the *(footpath) (bridleway) (by-way open to all traffic)~~ OR

shown as number PART 35 CROW WOOD LANE
from PITT HILL LANE, BARKISLAND
to PENNY HILL, KRUMHIN.

4 *(Varying) (adding to) the particulars relating to the *(footpath)
(bridleway) (by-way open to all traffic)

shown as number

from

to

by providing that

I/We attach a map and copies of the following documentary evidence (including
statements of witnesses) in support of this application:-

List of Documents provided

See covering letter.

Dated 12/6/1997 19 Signed 

*Please delete as appropriate

RIGHTWAYBJG, 7/L1/SAB

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1983DEFINITIVE MAP AND STATEMENT
DISTRICT OF
PARISH OF

TO: CALDERDALE METROPOLITAN BOROUGH COUNCIL

OF: NORTHGATE HOUSE, NORTHGATE, HALIFAX, HX1 1UN

I/We (name of applicant) MOORLANDS RIDING GROUP
+ CALDERDALE SADDLE CLUB
+ SOUTH PENNINE PACKHORSE TRUSTOf (address of applicant) SPRINGHAVEN, ELAND ROAD
RIPPONDEN HX6 4JN.

I hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with. (Paragraph 2 is printed on the reverse of this form).

Details of Modification UPGRADE FOOTPATH - CROW WOOD
LANE - PART NO. 85 (RIPPONDEN) TO BRIDLEWAY/BYWAY.

List of Owners and Occupiers Notified

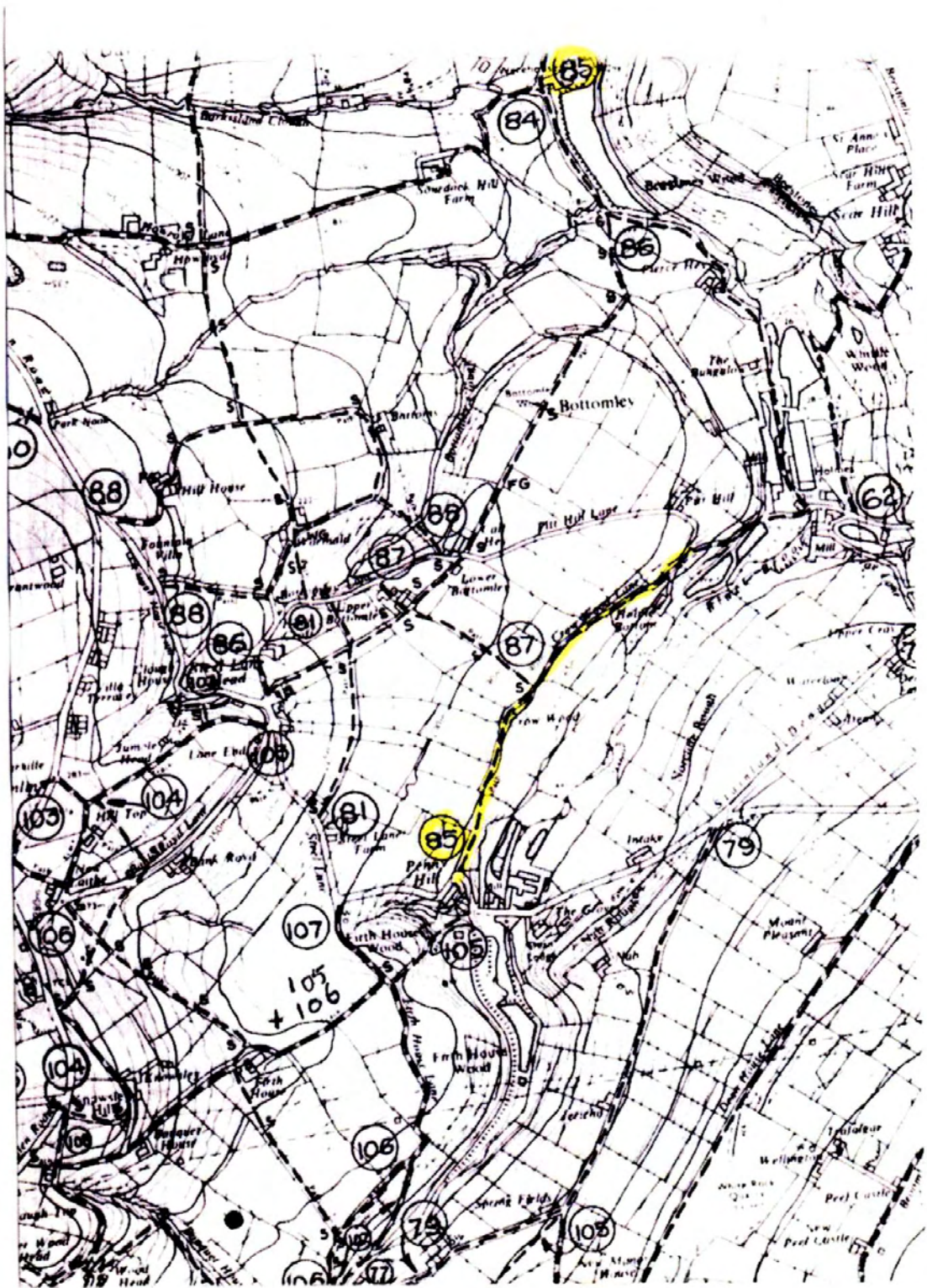
| PLOT NO | OWNER/OCCUPIER | ADDRESS | DATE NOTICE SERVED |
|----------------------------------|-----------------------|---|--------------------|
| Mr Winterburn | Mr Goddard | THE HOLMES & BOTTOM FARM | |
| Mr Goddard & Sons | NEW YARD FARM | PITT HILL LANE | |
| 94/96 Scouting | STAINLAND, HX | BARKISLAND | |
| Elwand | Mr MC Norcliffe | CROW WOOD FARM (AERILCT) | |
| Hx35ET | CROW WOOD FARM | CROW WOOD LANE | |
| | BARKISLAND | | |
| | | NOTICES POSTED AT EACH | |
| | | END OF LANE AND ON | |
| | | DERFLECT HOUSE (CROW WOOD) | |
| | Penny Hill End. | | |
| | Mr Norcliffe | | |
| | Penny Hill | | |

Signed 

Dated 12/6/1997

RIGHTWAYBUG, 10/SAB(GME)

Mr & Mrs Sargeant
Penny Hill Cottage
Stainland Dean.
Hx
HX4 9PZ.NB
There are 2
Mr Norcliffe's



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12th June 1997

mtg with
Mr Goodland &
Mr D Gorse
19.6.97

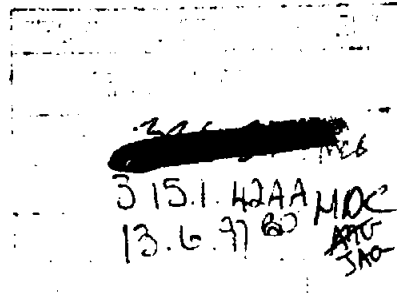
124

The Director,
Technical Services Department,
Calderdale MBC,
Northgate House,
HALIFAX.

SOUTH PENNINE PACKHORSE TRAILS TRUST

Registered Office: The Barn, Mankinholes
Tadmorden, OL14 6HR
Tel: 01706 815598

Dear Sirs,



Re: Definitive Map Modification Order - Application to upgrade Crow Wood Lane, Barkisland (Ripponden footpath No: 85 part) from a footpath to a bridleway or byway

Will you please process the enclosed application to amend the definitive map to show Crow Wood Lane as a bridleway or byway?

The evidence to support this application is attached and comprises of:

1. The 1814 Barkisland Inclosure/Township Map (Calderdale Technical Services Department has a colour copy) confirms that Crow Wood Lane was already in existence with the appearance of a cart road at that time and was unaffected. Under the Highway Act 1835, S.5, 6 and 23, all such ancient lanes were confirmed as being repairable by the parish for ever. It should therefore be open and available for the public to use with vehicles.
2. 1833-44 1" Old Series Ordnance Survey Map showing walled section.
3. 1834/35 Myers Map of Halifax - cross road showing walled section at the eastern end as above plus evidence why Myers showed byways (pink pages).
4. 1845 1st Series 6" Ordnance Survey larger scale showing the entire route
5. 1847 Hobson - cross road - Difficult to make out but just discernable beneath text.
6. 1894 Ordnance Survey 6" to one mile showing the entire route.
7. 1907 O.S. map 25" to one mile showing the walled eastern section of the route.
8. 1932 Ordnance Survey Map 25" to one mile showing the walled eastern section of the route.

9. 1956 Ordnance Survey Map 6" to one mile showing the entire route.
10. 1962 Ordnance Survey Map 25" to one mile showing the entire route.
11. 1950 Survey form showing the entire claimed route as Cart Road and Public Footpath between Pitt Hill Bottom and Penny Hill. The survey form confirms that the route has had uninterrupted use by the public for 40 years (1910 - 1950) and was signed by the surveyor who inspected the lane, Mr S Stott, and endorsed by the Clerk of Ripponden Urban District Council Mr Percy Fielding.
The annotation CRFP denoted a public cart road, used mainly as a footpath, in line with the instructions given to field surveyors by the Commons, Open Spaces and Footpaths Preservation Society under the auspices of the Ministry of Town and Country Planning. This document instructed that the annotation CRF denoted a public carriage or cart road mainly used as a footpath (page 10).
The first draft Definitive Statement reflected the public cart road status as 'Road used as a public path'. This was manually altered to bridle road and then to footpath without following the correct legal procedure. There is much more evidence in the Calderdale archive files about the mass downgrading of Ripponden RUPPS to footpaths in 1957 and we ask the Council to investigate this. It was confirmed by the Inspector at a public inquiry (FPS/4710/7/18) that this activity took place outside the statutory provision and the Ripponden map is therefore unsafe.
12. *"What is a Cross Road?"* by Susan Taylor 1997. Already in the possession of Calderdale Rights of Way Department and Calderdale Legal Department. This publication includes a High Court Judgment by Mr Justice Howarth (Hollins v. Oldham 1995) supporting the view that a cross road, such as those marked on Myers and Hobson's map, was intended to depict a public vehicular road.
13. This information has now been passed on to public inquiry inspectors by Mr Brian Dodd, Director of Highways and Transport at The Planning Inspectorate, Bristol. His confirmation that this has been done is enclosed in a letter dated 2 May 1997.

Yours sincerely,

[Redacted signature]

Senior researcher

Crowl/wps