FORM 1

# WILDLIFE AND COUNTRYSIDE ACT 1981

# The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 Schedule 7

### APPLICATION FOR MODIFICATION ORDER

#### DEFINITIVE MAP AND STATEMENT FOR CALDERDALE

To: Calderdale Metropolitan Borough Council Of: Town Hall, Crossley Street, Halifax, HX1 1UJ

I/We (i)

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 / restricted byway / byway open to all traffic * shown as number
to
2. Adding the footpath / bridleway / stricted byway / byway open to all traffic * from
3. Upgrading / <del>Downgrading</del> * to a feetpath / bridleway / restricted byway / byway
the footpath / bridleway / restricted byway / byway open to all traffic * shown as number
from
to

Upgrading to a bridleway the footpath shown as number Halifax 161

from junction with Castle Carr Road To junction with Low Lane

Upgrading to a bridleway the footpath shown as Halifax 160 (part)

From junction with Halifax 161
To junction with Heys Lane

Upgrading to a bridleway the footpath shown as Halifax 162

From junction with Halifax 161 To junction with Heys Lane

Upgrading to a bridleway the footpath shown a Halifax 164

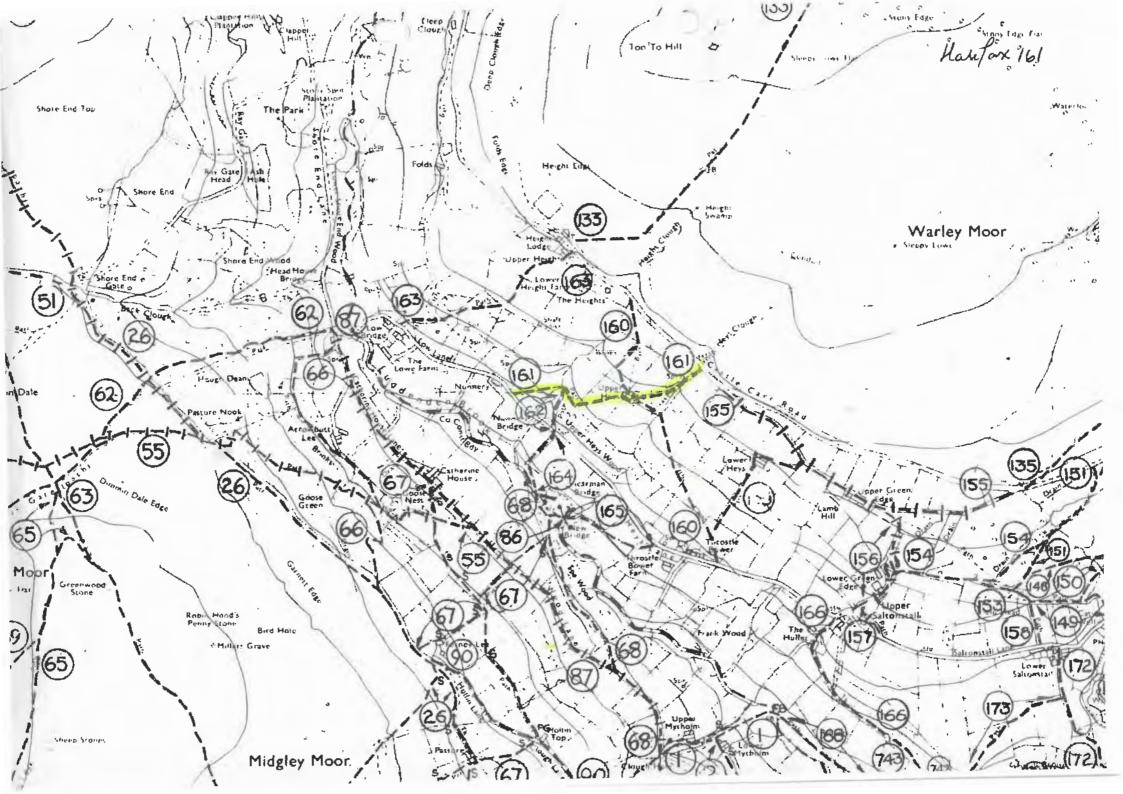
From the junction with Heys Lane
To junction with Wadsworth 68 at Luddenden Brook

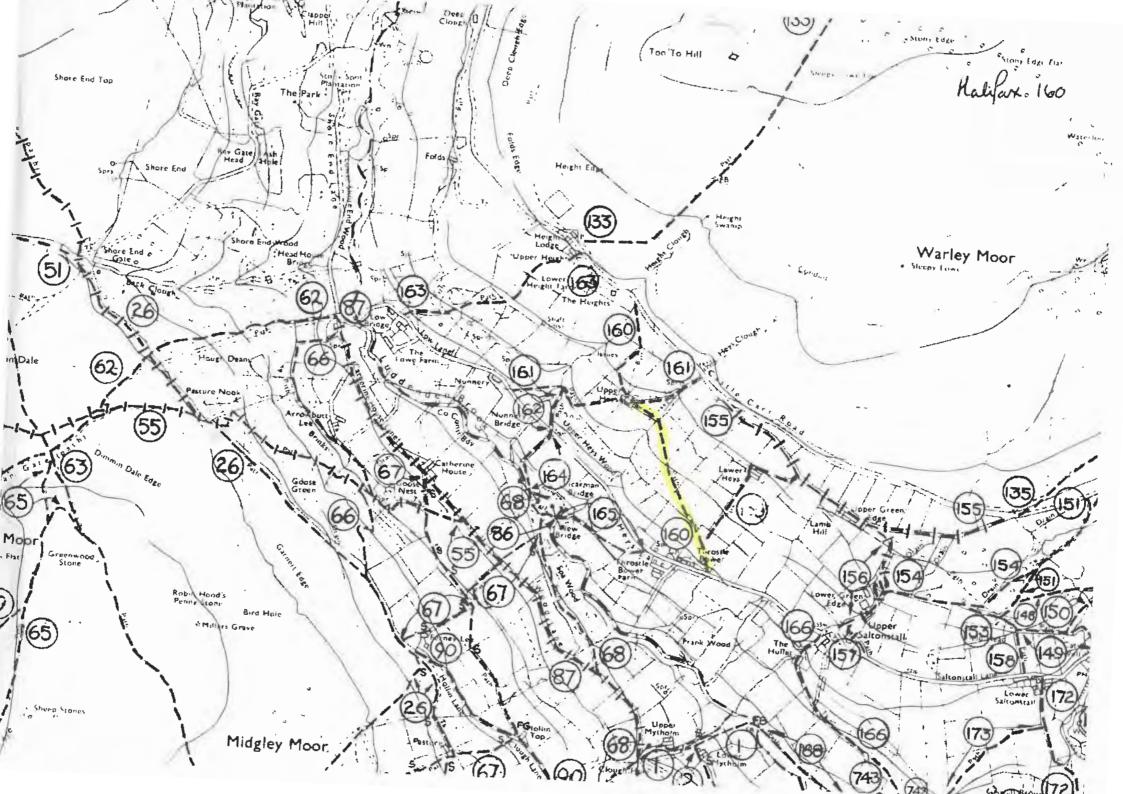
Upgrading to a bridleway the footpath shown as Halifax 165

From junction with Heys Lane
To junction with Wadsworth 86 at New Bridge

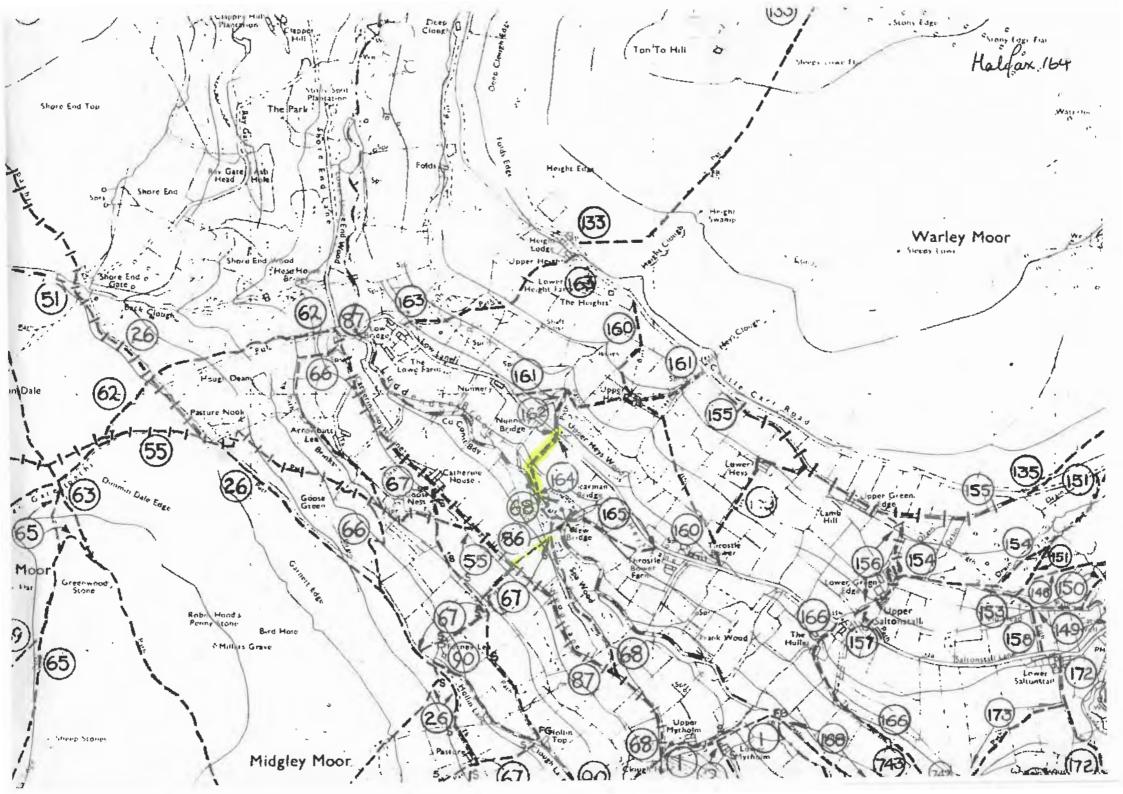
## FORM 1

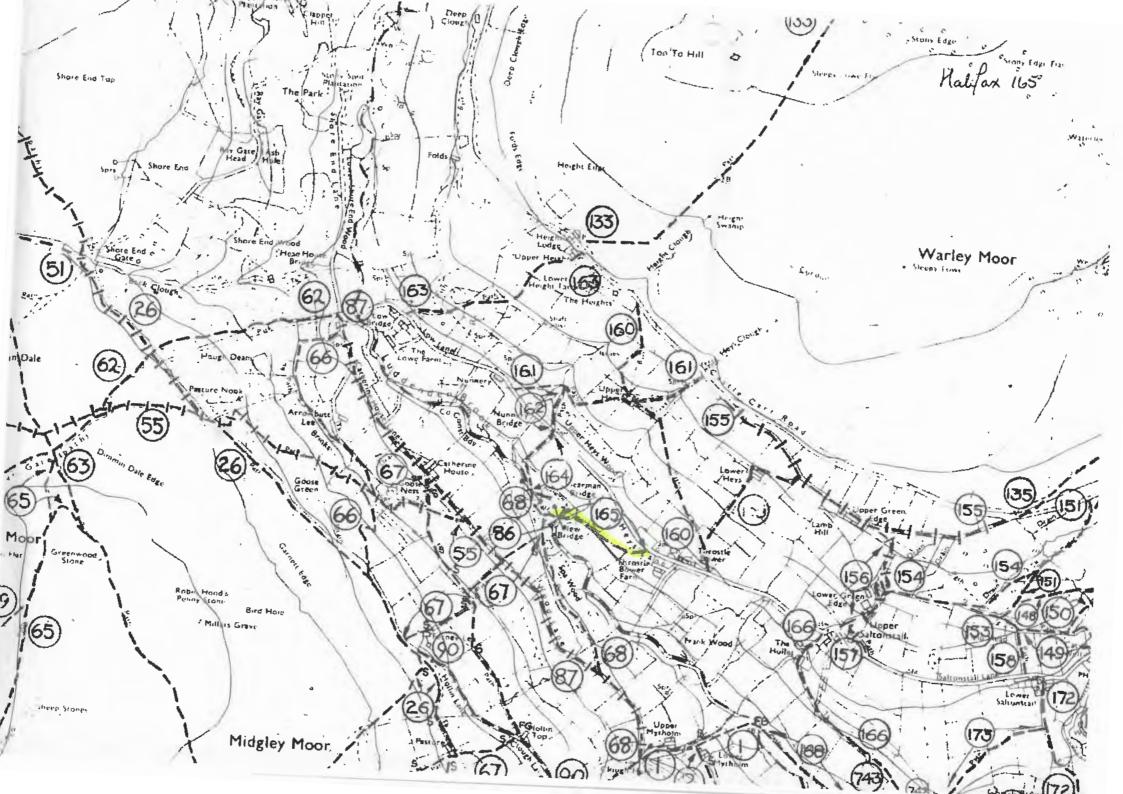
4. Varying / Adding to * the particulars relating to the footpath / bridleway / restricted byway / byway open to all traffic * shown as number		
from		
to		
by providing that		
and shown on the map annexed hereto.		
We attach a map and copies of the following documentary evidence (including statements of witnesses) in support of this application:		
List of Documents provided (iii):		
See attached		
***************************************		
***************************************		
Laccept that the information that I have given will be displayed on a Register of Definitive Map-Modification Codes and least ions which is open for public inspection.  Signed Date		
(i) insert name of applicant(s) (ii) Insert address of applicant(s) (iii) Insert list of documents * Please delete as appropriate		











#### References

Timeline of historical events in Luddenden Dean from Doctoral Thesis, and archaeological advice, Heather Ibbetson, Geoarchaeologist, MSc PhD Queens Univ. Belfast Map showing Mesolithic sites at the head of Luddenden Valley, Doctoral Thesis,

Ibbetson

Palaeolithic and Mesolithic West Yorkshire, Penny Spikins 2010

European Prehistory, Milisauskas and Kruk

Domesday Survey 1086

Wakefield Court Rolls 1274-1297

First Recorded Dates of Settlement, Doctoral Thesis, Nigel JB Smith 2013 Calderdale Archive References: WYHER/2818 Nab Water, CAC:16 Goose Nest, Midgley, WYHER/11292 Catherine House, Midgley, CAC:14 Nunnery Farm, WA

Wainstalls, WYHER/3981 Wainstalls, HAS:762 (345) Mixenden Mill

A Springtime Saunter by Whiteley Turner, 1913

CMT27/HXT:675. Plan of the Township of Warley, 1904, J Taylor

Map of Manor of Midgley 1806

SU:55/3. Two Plans of Owlhill Farm, 1810

Map of Yorkshire 1828, Christopher Greenwood

Myers' Map of the Parish of Halifax 1835

CMT27/HXT:676. Plan of the Township of Warley, Washington 1838

First Old Series Ordnance Survey 1843/44, 1"

A Key to Maps by Brig HSL Winterbotham 1936

Cassini Map 104, 1", 1841-1859

Ordnance Survey 1852, Map 215 6"

Ordnance Survey 1894, map 215/14, 25" + เราษ ฉเรียน 6 " σร

Cassini map 104, 1903-1904 1"

Ordnance Survey 1908, Map 215/14, 25" + 1908 05 215 500 6"

Finance Act Map 1910, IR 134/2/16 and 17

Finance Act 1910 Valuations for Warley and Midgley Townships

Ordnance Survey 1921, Map 215/14, 25"

Ordnance Survey 1935, Map 215/14, 25" + 1934 08 2155W 6"

Ordnance Survey National Grid map 215SW. 6"

Lidar Maps

Ordnance Survey OL21 2.5" - 1 mile, 2015

Google Aerial photographs

Further original photographs

The History of the Countryside. Oliver Rackham, 1986

Warley Enclosure Award and map 1857. WYC:1363

Warley Township Surveyors' accounts showing road repairs between Wainstalls and Dean Head, 1849-69. HXT:579

Ordnance Survey 1966, sheet 96, 1"

Draft Definitive Map, WRD8 [A212]. Wakefield Archive

Doctoral Thesis on T Dan Smith by John Francis Griffiths, 2019, Northumbria University

Letter from Sir Bernard Kenyon to the Clerk of Erringden Parish Council, May 1950, EPC:6

Examples of completed Erringden Survey forms EPC:7

Letter from Clerk of Hebden Royd Council to Head teacher of Calder High School, re volunteers to survey rights of way. August 1950. CMT8/15/1078

Ethics in Public Service for the New Millennium ed Prof Richard Chapman,

Emeritus Prof of Politics, Durham Univ.

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Letter, 13 Feb 1904, from Solicitor, Halifax RDC, to Clerk of Todmorden RDC renot taking over ratione tenurae roads ECP1

Ordnance Survey 1966, sheet 96, 1"

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- 1 Timeline of historical events in Luddenden Dean Dr H Ibbetson
- Prehistoric Sites at the head of Luddenden Valley include Mesolithic, Neolithic, Bronze Age, Roman/Iron Age (Watson 1952, Gilks 1991)
- 3 West Yorkshire Recorded Metholithic artefact distributions highest integrity in the world, and key site of Mesolithic-Neolithic transition
- 4 European Prehistory Soyland Moor records earliest farming in Britain
- 5 Domesday records of local towns
- Wakefield Court Rolls records, 1252, of Halifax, Heptonstall, Midgley, Saltonstall, Wadsworth
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- 8 Recorded Settlements from West Yorks Archaeological Society and Wakefield Court Rolls
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- 10 Calderdale Archive Reference for: Nab Water, WYHER/2818
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- 13 Calderdale Archive Reference: Nunnery Farm, 1598. CAC:14
- 14 Calderdale Archive Reference: Wainstalls 1637, WA
- 15 Calderdale Archive Ref: Sleepy Lowe, Mesolithic site, WYHER/3981
- 16 Calderdale Archive Reference: Mixenden Mill recorded 1536
- 17 A Springtime Saunter by Whiteley Turner, 1913; one of Halifax's favourite authors, relationg to industry at Fly and packhorses entering the Luddenden Valley

# Section 2 Maps

- 1 Plan of the Township of Warley showing Tin Royd (Upper Heys) and the terminus of Heys Lane at Upper Heys Wood, and the settlements the east of Nunnery, and at Hutton.
- 2 Midgley manor Map of 1806 showing Spa Wood and Wood Lane to Catherine House and Goose Nest
- 3 Two 1810 plans of the Hullet (Owl Hill) showing the termination of Heys Lane at Throstle Bower
- 4 Greenwood's map of Yorkshire 1828, showing the termination of Heys Lane
- 5 Definitive Map with the missing section of Heys Lane erased to demonstrate the necessity of the claimed highways
- 6 Myers' Map of the Parish of Halifax, 1835, shows that Heys Lane continued northwest, and the presence of the Luddenden Dean Chapel
- Plan of the Township of Warley, 1838, Washington, enlargements describe a brown coloured ROAD passing through Tin Royd (Upper Heys). Some claimed bridleways described as Foot Ways or Foot Path.
- 8 Ordnance Survey First Old Series, 1843/44, 1", shows the claimed route through Upper Heys and highways in the region of New Bridge
- 9 A Key To Maps Brig HSL Winterbotham: The aforementioned map bore no disclaimer and did not depict footpaths
- 10 Cassini Map 104, Leeds and Bradford, 1841-1859, similar to First Old Ser. including highway approaching Low Lane from the north at Nunnery
- Ordnance Survey 1852, map 215, 6" depicts all claimed routes.

  Bearing no disclaimer, it annotates Footpaths where appropriate.
- 12 Ordnance Survey 1894, 25", map 215/14 shows fields set out in pre-Norman, Solskifte system. Roads bisect field walls. + os issue 6"
- 13 Cassini map 104, 1903-1904 depicts Road from Castle Carr Road to Upper Heys and Halifax 160, as well as highways towards Wadsworth
- 14 Ordnance Survey 1908, 25", map 215/14. Ford depicted where Halifax 164 meets Luddenden Brook + 1908 ರತ ವಿರಕಟ 6"
- 15 Finance Act 1910 Maps 134/2/16, 17 show highways descending from Saltonstall Moor towards Luddenden Dean
- 16 Valuations for Warley and Midgley Townships showing claims of tax relief for the presence of Rights of Way
- 17 Ordnance Survey 1921, map 215.14, 25"
- 18 Ordnance Survey 1935. Map 215/14, 25" + (934 05 2/5 5W
- 19 Ordnance Survey National Grid, Map 215SW 6"

#### Section 3 Further evidence

- 1 HXT:579. Further evidence (see OS 1894, Map 255/10, 25") demonstrating that traffic came southwards down the Luddenden Dean, from Dean Head:
  Warley Township repaired the road between Wainstalls and Dean Head at least 5 times between 1849 to 1869
- Warley Inclosure Award created Deep Clough Road; a Private Carriage and Occupation road extending north past Fold Farm to Deep Clough Farm. It commenced at Castle Carr Road.
- 3 Lidar maps, showing land undulations, with claimed routes arrowed
- 4 1852, OS Map 215, 6" showing points at which photographs were taken:

C-R Halifax 161 V-HH Halifax 160 From Heys Lane to New Bridge, Halifax 165 Wadsworth 86 and 68

5 Aerial photographs depicting claimed bridleways

### Section 4. The Decimation of our Rights of Way network

- 1 Halifax's attitude to Rights of Way in the early 20th Century
- 2 Letter, 1904, from Halifax RDC to Todmorden RDC
- 3 Corruption in the production of the Definitive Map in West Yorks.
- 4 Ordnance Survey Sheet 96, 1966, showing the total loss of bridleways in many regions
- 5 The Draft Definitive Map, 1949, showing the surveyed bridleways subsequently crossed out
- 6 Observations by West Riding Council on the draft schedule of rights of way in Luddenden area
- 7 Letter from Rambling and Social Club protesting the loss of rights of way on Wadsworth Moor, Castle Carr and up to Fly Flatts (Warley Moor) Reservoir. 1953
- The relationship between Sir Bernard Kenyon and T Dan Smith. John Francis Griffiths, Doctoral Thesis, 2019
- Instructions from Sir Bernard to Erringden Parish Council re surveying for the Definitive Map. May 1950
- 10 A sample of typical surveys in Erringden
- 11 Letter from Clerk of Hebden Royd Council to headmaster of Calder High School requesting pupil assistance for surveying. 1950
- 12 Ethics in Public Service for the New Millenium. The Poulson Affair by Emeritus Prof of Politics, Univ of Durham, Richard Chapman

**Summary** 

#### Introduction

1 The claimed highway gave access to Luddenden Spa, a natural spring and amphitheatre by New Bridge, which for centuries was popular for congregational meetings.

"It appears that springs and fountains have, from almost the earliest account of time, been looked upon as sacred, especially if the waters of them were medicinal, for then the priests were furnished with an argument for enforcing the paying a religious regard thereto, as if their virtue proceeded from the inhabitation of some Deity. These were the notions of Heathens; and as ridiculous as they seem, those of superstitious Christians were not much better: for it was exceedingly common amongst them to dedicate remarkable springs to particular feints, to whose merits any cures they might receive were always attributed; and on the Saint's day whose name the well bore, the people, in former times, assembled there to make offerings, or vows, to the same....but the church of Rome still keeps up the old ridiculous notions about consecrating fountains."

The History and Antiquities of Halifax, Rev John Watson, MA, 1775

The highway claimed led to one such spring in the Luddenden Dean, the valley which extends northwards from the Calder Valley near Halifax.

- Spaw Sunday had remained a tradition long after the Rev Watson wrote these words, when he also described the adorning of wells with boughs and flowers. This traditional celebration was on the first Sunday in May, when people would flock to certain natural springs whose waters were reputed to be beneficial to health.
- 3 This event was described by Whiteley Turner in his much-acclaimed book about this region, "A Springtime Saunter", published 1913, but now in its third reprint.

Whiteley Turner, after losing his arm whilst working in a mill when a youngster, was given a free education as he could no longer work. He described the walks he undertook, and the people and places he met in the Luddenden Valley, including a section on John Preston, a "preacher of another type".

4 Preston was said to have dwelt in the valley for over thirty years, during which time he had never slept in a bed.

"He would gather the children around him should he meet them coming from school, and catechise them, teach them their prayers, or prompt them in singing one of his favourite hymns".

Each first Sunday in May he wended his way down the woodland to the Spa, to watch people assembling from places miles around, some purely for pleasure, others to enjoy the early morning walk, and not a few to hear old Preston "preych" his annual sermon.

People came from Wadsworth, Pecket Well, Crimsworth and villages in Warley Township.

Preston would go to a secluded part of the wood commanding a view of the flat part of the wood near the Spa from where he would address his "congregation", but in wetter weather he would use the New Bridge as his rostrum.

- On one occasion eight members of Oats Royd Brass Band attended, bringing in their train "several hundred persons". The Rev Joseph Poynton, Minister of Mixenden Congregational Chapel preached at the Spa and the Mixenden Band turned up, and on another occasion the Salvation Army was present.
- The descent from Hays Lane, close to Luddenden Dean Chapel, (now burnt to the ground) is clear to see today, and it is likely that worshippers from Midgley and Wadsworth Townships regularly used the claimed highway to reach this church.
- 7 On the western (Midgley township) side of the valley, the approach to the Spa is not so obvious as there are three routes which would have brought people from Midgley town and from over Midgley Moor from Old Town and Crimsworth.
- 8 Curiously, the woodland in which then Spa is situated is shown to have no owner in the Finance Act 1910 Map, for its history may have demonstrated that it belonged to the public who had frequented it for centuries.
- 9 The substantially built "New Bridge" is typical of a packhorse bridge and served travellers who wished to cross the valley.

On the Warley side, the road, now known as Hays Lane, formerly terminated at the western side of Throstle Bower, from where travellers descended to the stream. The termination of Hays Lane can be identified on two plans of the lands of Owl Hill (The Hullet), 1810, and on the 1828 Greenwood Map of Yorkshire.

Consequently New Bridge was an important crossing point for traffic approaching from Upper Saltonstall (AD1274), or from the highways passing through Upper and Lower Heys (both AD1331), as well as those formerly described approaching from Midgley Township.

This evidence will demonstrate that the claimed route was part of a thoroughfare, as well as for centuries being the focus for religious gatherings.

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# from Dr Heather Ibbetson

# Timeline of historical events in Luddenden Dene

Date A.D.	Literature	Reference:
Pre 1066	Forest of Sowerbyshire - heathland	Winchester, 2004:22. WYAS, Leeds WYL/100/HX/E/1, n.d.
1086	Warley and Midgley (villata)	Domesday Book 1086
c.1106	Manor of Wakefield granted to Earl de Warenne (Earl of Surrey) Earls de Warenne claimed free chase of Forest of Sowerbyshire (see entry for pre 1066)	Winchester, 2004:32
1274	Vaccary at Saltonstall rented for £7 p.a. to six tenants	YAS, Leeds MD225:1274
- DASKES	II phase (1284 A.Dcs.1640 A.D.)	
1284	Luddenden first mentioned in connection with a commill	YAS, Leeds, MD225:1283-84
1309	Transcript of survey for Sowerby 1309. Extent for demesne lands of Sowerby shows vaccaries and pasture located at Upper (Over) and Lower (Nether) Saltonstall Three fulling mills, water courses and dams on Luddenden Brook	WYAS, Calderdafe, 1309:HAS:1337
1314	Graveship of Sowerby, Eari Warenne had in the forest an iron forge worth £9.12.0 p.a. or 4 shillings per week. Details of vaccaries, permitted Earl to have in the forest 5 score cows and bulls at three vaccaries (Lower Saltonstall) and 8 store fat beasts. Pastoral demesne, (upland cattle farms) (see entry for 1309).	YAS, Leeds DD99/B20/1:1314
1326	New land taken from Warloulley (Warley) Wood	YAS, Leeds, MD225:1325-26
1332/3	Saltonstall tenants fined for converting 18 acres of pasture land to arable cultivation (see entry for 1274)	YAS, Leeds, MD225:1330-1333
1338	Corn mills at Warley (and Soyland) leased to Adam de Coventre for £4 13s 4d.	YAS, Leeds, MD225:1338-40
1339	Fine for sale of wood growing in lands held for withy. Offences against the vert.	YAS, Leeds, MD225:1338-40
1348-49	Plague - high mortality rates	YAS, Leads, MD225:1348-49
1349	Oliver' (treadle operated tilt frammer for working impurities out of iron) recorded in Warley Township – location uncertain	YAS, Leeds, MD225:1349-50
1426	Fulling mill on Luddenden Brook	YAS, Leeds, MD225:1425-26
1538	Sale of 40 acres of closes, pastures, meadows and woods (Hollinhey) - Filkington to Farrer	YAS, Leeds, MD225:1537-1538

1002	Blakbroke, depectough water of Luddyngdon and Herstones	MD225:1539-40
1540	Mention of Pelehouse at Old Riding	YAS, Leeds, MD225:1539-40
1598	Wade family mentioned in connection with Peel House—the architecture of the house shows the working section and history inferred from wills of descendants (see entries for 1662, 1705, 1727) indicates 'putting out' and collecting in of work from at least, the 43 other properties subleased to workers.	VAS, Leeds, MD225;1603-4
1603	Sale of 2 messuages (farms) and 2/6th parts of Saltonstall sold by Waterhouse to Wade family	YAS, Leeds, MD225:1425-26
1608	Sowerby survey	WYAS, Leeds, 1608;WYL100/HX/E1
1617- 1956	First mention of Bracken family of Midgley (shalloon weavers)	WYAS, Calderdale, FW103:1617-1956
1639	John Bolton, shearmaker, 'with water mill used to grind shears' in Warley Township	YAS, Leeds, MD225:1639-40:
Wade W	ood phase (cs.1640 A.Dca.1750 A.	D.)
1662		YAS, Leeds, DD99/G/1
1663	Terms of Agreement: fouling of water of Luddenden Brook granted to Bracken and successors.	WYAS, Calderdale, FW103/2:1663
1663/4	Eatry (96) under Sowerby does not name smelters/iron workers only that a case of nuisance is being brought (see entry for 1664/5). Entry under Luddingden: Thomas Tattersall make a complaint.	YAS, Leeds, MD225:1663-4
1664	Fulling mill located at Old Riding	YAS, Leeds, MD225:1664-5:
	Woolfen Hall and Linen Hall in Halifax and one com shop — rental shown as £342 p.a. for 90 years	WYAS, Leeds,WYL100/Hx/A2 :1664
1664/5	Fine of £5.0.0 on the owners of 'said pipe furnaces being of nuisance to their neighbours'	YAS, Leeds, MD225;1664-5
1688	Description of Saltonstall: all houses, edificies, folds, gardens, orchards, land, tenements, meadow, closes, pasture, ways, waters etc ANDhouses, edifices, folds, gardens, orchards, land, tenements and heriditaments AND all houses, structures, folds, gardens, orchards, meadows, pasture, land tenement etc also all parcels of woodland called Hansonkey or Culpanwood	YAS, Leeds, MD225:1667-8
1705	Will of Joshua Wade described as yeoman, Assets listed in Appendix B.	YAS, Leeds, DD99/G/3
1709	Survey of Manor of Wakefield: Sowerby Graveship (including Warley township) shows Benjamin Wade at Peel House and subjecting 11 other properties. Joshua Wade at High Saltonstall. Farrer family also listed (see entry for 1783). Midgley family listed as resident.	YAS, Leeds, Wakefield Manor Book, 1709 (pp.135-163)





# **Prehistoric sites**



# 3.5 Historical Background:

From thesis, Dr Ibbetson.

Early prehistoric sites have been located at the head of the Luddenden Valley and include Mesolithic, Neolithic, Bronze Age and Roman/Iron Age on the uplands (Watson, 1952; Gilks, 1991). These upland gritsone mesolithic sites on both Midgley and Saltonstall Moors with an all chert site at the head of Luddenden Dene on Oxenhope Moor (Faull & Moorhouse, 1981; Gilks, 1991; Watson, 1952).



Fig. 3.5 Map showing Mesolithic sites at the head of the Luddenden Valley (after Watson, 1952). Sites within the dotted line were discovered and identified pre-1950.







