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Our Ref: 66660/T60
Your Ref: n/a

Date 5rd November 2021

Dear Councillors

Wildlife and Countryside Act 1981

Re: Application for a Definitive Map Modification Order to record public footpaths at Milner Field, Bingley

This authority is carrying out initial consultations regarding the above-named application received in 2016. The application was submitted under the provisions of the above-named Act by the Gilstead Village Society and is supported by 135 evidence of use forms.

The application seeks to record public footpaths on the Definitive Map and Statement (the legal record of public rights of way). The application routes and existing, legally-recorded public rights of way are indicated on the enclosed plan reference 66660/T60.

The main application route runs along the former carriage road through Milner Field between Primrose Lane, Gilstead at 'North Lodge' and Footpath 9 Bingley (Higher Coach Road) at 'South Lodge'; the second application route is a shorter link-path from the former carriage road to Footpath 6 Bingley (Sparable Lane). **Please note:** the applicant has drawn the link-path on the application map but has not referred to it on the application form; however, the applicant has recently confirmed that the link-path is part of the application. The applicant has also confirmed in writing that the alignment of the link-path was drawn incorrectly (in yellow) on the application map, also enclosed, and that the correct alignment should be as shown in blue on the plan reference 66660/T60.

The authority needs to collect as much evidence / information about the history and use of the application routes as possible, whether in support of the application or against it, before making a decision. Evidence may be evidence of use (already received) or documentary evidence or both; physical evidence on the ground may also support user evidence and/or documentary evidence.

We would be grateful if you could provide any evidence / information that you may have. A summary of evidence / information already received so far is given below.

Only **evidence** of public rights of way or otherwise can be taken into account under the provisions of Section 53 of the Wildlife and Countryside Act 1981. Any other matters e.g. the desirability or suitability of the application routes cannot be taken into consideration when reaching a decision. Section 53 states that if all the available evidence indicates that public rights of way already exist on the application routes, then a Definitive Map Modification Order must be made to reflect those rights.

Summary of evidence / information received so far:

Evidence of use

The applicant has submitted 135 evidence of use forms with the application. Almost all of the 135 'witnesses' live or have lived in the vicinity of Milner Field. Briefly, use of the routes for exercise, pleasure/recreation or as a means to travel to work or visit relatives is described from as early as 1942 and by 1980 more than a third of the witnesses had started using the routes, rising to two-thirds by the mid-1980's. All witnesses state that they used the routes without being challenged/stopped.

All witnesses describe using the application routes on foot and 51 state that they also use bicycles; a further 4 state use on horseback.

103 witnesses state that, in addition to seeing other people on foot, they have also seen users on bicycles; 51 have also seen horse riders and 2 have seen a motor vehicle.

The majority of witnesses state that they were either travelling from the Gilstead area to Saltaire, Shipley Glen, Roberts Park, etc. and the existing public rights of way network near Milner Field, or they were travelling in the opposite direction from the Saltaire area to Gilstead. The majority therefore describe using a through-route along the main application route continuing along Footpath 9 (Higher Coach Road). **Given that this amounts to evidence of public use along Footpath 9 by bicycle and horseback as well as on foot, the status of Footpath 9 will also be considered as part of this investigation.** If all the available evidence/information indicates that it should be recorded at a higher status, then a Definitive Map Modification Order will be made to reflect those higher rights.

Some witnesses describe using the application routes as part of a circular route and some specifically describe using the short link-path to Footpath 6 (Sparable Lane).

18 witnesses provide some information about gates at the Lodges; the starting dates of their use are from 1942 to 1995. Their evidence indicates that whilst there were unlocked, large and small gates in place at one of the lodges in 1942, by 1975 there were no gates at either of the lodges and that this continued for many years. Some state that the large gate at South Lodge was only locked in relatively recent years, whilst 4 witnesses state that there were no gates at North Lodge until recent years when the lodge was renovated for residential use (internet sources indicate that this was in 2009). Four witnesses refer to the 'private driveway do not obstruct' sign on the North Lodge gates. All references to the small gates at the lodges, when gates were present, state that they were always unlocked.

Four witnesses describe a 'pass' or 'token' issued by Salts Mill when it was a working textile mill to their workers, to grant them regular access through Milner Field; one witness obtained such a pass in the 1960's, adding that they were abandoned in the late 1960's / early 1970's.

The Rights of Way Team has also heard an anecdote regarding similar permits being issued to horse riders in recent years but has no further information in this regard.

Site visit

I carried out an unannounced site visit with a colleague on 2nd September 2021 during which we witnessed numerous members of the public using the application routes; the majority were on foot whilst others were on bicycles. There were also horse droppings on the main application route. The link-path from the main application route to Footpath 6 (Sparable Lane) was only seen to be used on foot. Some members of the public were also seen visiting the site of the ruined Milner Field house.

Documentary evidence

Some copies of documents and references to sources on the internet have already been received from various members of the public. A list of these documents / information is enclosed with this letter. When investigating Definitive Map Modification Order applications, the authority studies old Ordnance Survey maps for information regarding physical changes on the land over time, and these are also included on the list.

There are numerous websites and articles etc. on the internet which refer to the history of Milner Field. A brief examination of these shows that it is widely acknowledged that the application routes did not physically exist until Sir Titus Salt bought the Milner Field estate and replaced the existing house and gardens c.1869-1876; the carriage road and lodges were constructed during this same period. The Milner Field estate thus became part of the larger Salt estate which included Salts Mill and the village of Saltaire. The Salt family sold the Salt estate c.1893. Various sources including the Land Registry indicate that the subsequent sequence of ownership / occupancy of Milner Field up to the present date was as shown on the brief summary enclosed with this letter.

I would be very grateful if you could provide any further evidence or information that you may have regarding the history and use of the application routes which has not been mentioned so far, or any evidence or information which may shed more light on the matters described above.

Please send your response within 4 weeks of the date of this letter.

Yours sincerely

Susan Stott
Definitive Map Officer

Enclosures:

1. Plan reference 66660/T60 showing the application routes & public rights of way
2. The original application plan of 2016
3. List of documents / articles
4. Brief history of landownership / occupancy of Milner Field