

Wildlife and Countryside Act 1981

The Kirklees Council (Huddersfield Public Bridleway 231 Sandy Lane to Nether Moor Road, South Crosland) Public Path Modification Order 2018 (“Order”)

Statement of Case on behalf of the Objectors, Mr and Mrs Bradley of Nether Moor Farm, Sandy Lane, South Crosland, Huddersfield HD4 7BX (“Objectors”)

PINS Reference: ROW/3202859

Proof of Evidence of Robert Edward Bradley on behalf of the Objectors

1. Introduction

- 1.1. My name is Robert Edward Bradley and I am the fourth generation owner/occupier of Nether Moor Farm, Sandy Lane, South Crosland, Huddersfield HD4 7BX (“Farm”).
- 1.2. I have prepared this proof of evidence in support of my objection to the Order.
- 1.3. I intend to attend the public inquiry into whether the Order should be confirmed.
- 1.4. The facts and matters set out in this proof of evidence are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified. Any facts and matters derived from other sources are true to the best of my knowledge and belief.
- 1.5. Where I refer to documents within this Proof of Evidence, these are to documents taken from the Objectors’ document list or which are attached to this Proof of Evidence. Unless stated otherwise, a reference to a page number within this Proof

of Evidence is to the corresponding page of the Objectors' document list (e.g. **OBJ/1**).

2. My Evidence

- 2.1. I was born in 1964 and have just about spent every day of my life at the Farm working with my parents and taking ownership following my father's death in 2005 and my mother's death in 2007.

- 2.2. My father (Arthur Bradley) and uncle (Herbert Bradley) bought the Farm and the Order Route from the Whitley Beaumont Estate in 1954 (**OBJ/39-51**). Prior to that my Grandfather and Great Grandfather had been tenants on the Farm since the late 1800's. Their tenancy included the Order Route. The tenancy was operated as J H Bradley & Sons and this was continued as a business partnership after the death of John Henry Bradley in 1953. The partnership subsequently purchased the Farm in 1954 and continued until the death of my Uncle Herbert in 1986. My mother took on partner status at this time and I became a partner in the late 1980's along with both my parents. Upon the death of my father in 2005 the partnership changed to be between my mother and me and my mother died in 2007 when I inherited the whole of the Farm known as J H Bradley & Sons subsequently making my wife a full partner of the whole business and property in 2008. This shows that the Farm has been occupied by J H Bradley & Sons through tenancy to purchase in 1954 and continues to this day in the same format.

- 2.3. My first and foremost consideration regarding the Farm is that it is a working dairy farm that provides a living for me and my immediate family and has done so since the 1890's. I manage my land, including the privately owned access track (the Order Route), and livestock to a fault and take my responsibility and ownership very seriously.

- 2.4. Growing up as a young boy I worked with my father and learned how to farm and manage the Farm.
- 2.5. There are specific times of year when certain jobs are carried out. They are:
- 2.5.1. Silage time - First cut end of May annually. Second cut occurs later July/August – the Order Route is constantly in use by machinery and unavailable to permissive users at this time.
- 2.5.2. Hay time – July/August annually – the Order Route is constantly in use by machinery and unavailable to permissive users at this time.
- 2.5.3. Mucking out sheds and building over winter period – November to end of April. This occurs on a daily basis – the yard and the Order Route are constantly in use as muck is transported to various muck piles on the land ready for later spreading.
- 2.5.4. Cattle movement – Dairy cows are moved twice daily for milking – AM & PM – permissive use of track is prohibited at this time.
- 2.5.5. Young stock are moved around land as grazing requirements dictate - permissive use of track is prohibited at this time.
- 2.6. The track is the spine of my Farm and it leads into the farmyard from both the East and the West even though in the mid 1800's it was only from Sandy Lane to the Farm's yard and no further than the yard.
- 2.7. The claim by various people that they have used the Order Route without the permission of the owners of the Farm from time to time is nothing other than pure fantasy. In the 1960's there was no-one walking through at all and the only horse
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riders were my sister and a couple of people called Wendy & Tim Hall that grazed their horses on our land for a short period of time. They were allowed to ride along the track because they were our tenants and my father permitted them to do so. My sister was my sister so naturally she was allowed to ride it on occasion.

- 2.8. At this time there were no other horses in the area or riding through the Farm.
- 2.9. In the 1970's again there was very minimal use by the odd walker that my father knew and chatted with. They could only pass through the yard with my father's or my uncle's permission. The blue wooden gate by the back yard (Point A on the Plan at **OBJ/1**) was usually across the Order Route and tied up closed and the original yard end gate (which used to be to the south west of Point C on the Plan at **OBJ/1**) would be across at the yard end. The gate post for the original yard end gate remains in the ground still, albeit a broken stump. It was replaced by the metal yard end gate (Point C on the Plan at **OBJ/1**) in or around the early 1970s. We used metal rails across the Order Route at various points to block it off and the rail half way down the lane was left up all the time unless someone took it down and didn't put it back up straight away (Points D, F and the rail/gate to the left of the words "Nether Moor House" on the Plan at **OBJ/1**). In later years, after permission (which I'll cover later) was granted to a few people to ride the Order Route they were told in no uncertain terms that they could only do so if they shut gates or re-erected the bars. If they didn't they were told "not to come again!".
- 2.10. I need to make it very clear that I was brought up to believe the Order Route was privately owned and people could only come onto our land or into the farmyard with our permission. If they wanted to leave towards the Nether Moor Road entrance (Point G on the Plan at **OBJ/1**) they had to have my father's or my uncle's permission. It was well known locally that it was a private track and that we owned it. All vehicles were ALWAYS challenged and turned back without question. The first horse riders given permission by my father and uncle were the Whitham family in the late 1970's and Janet McCrorie and her mother Carol around the

same time. A girl called Sharon Gledhill who was also in my class at school rode through with Mary Whitham as she also had my permission to do so.

2.11. Neighbours such as the Bates families from Spring Farm and Delves Cottage who may have wanted to lead grass from their fields in other areas always telephoned and asked permission to come through. My father would agree. I note that a lady named Sheina Scott, who has submitted a User Evidence Form, states on that form that she had 'Old Mr Bradley's' permission to use the Order Route from 1971. Since I note she lived at Sandene Avenue, which was near to where my uncle Herbert Bradley lived, I have to assume that (to the extent that she has ridden the Order Route at all) my uncle granted her permission to ride the Order Route.

2.12. The operation of the Farm has no consideration for anyone wanting to walk or ride through on a horse. If I was mucking out sheds, which I do on a daily basis, and needed to park my tractor and trailer across the track then that is what I will do and continue to do so. If it took me a morning to clean out or a full day then that is what it took. I do not set a specific timescale to do such a job. The only time I would ensure the Order Route was clear was on the days the Milk Tanker was due in. The rest of the time was my decision. The Order Route would be closed on average for 4 hours a day.

2.13. If I want to open gates to let machinery through then I will. If I leave a gate open on the Order Route it's because my tractors and machinery are to come back through the gateway. People seem to think that means I was inviting them through the farmyard but the reality is that I am trying to run my business and look after my livestock. Tractors do not fly over gates. Gates have to be opened and closed in order to function and that is what happens here. Statements about gates always being open are exaggerated.

- 2.14. The current yard end gate (Point C on the Plan at **OBJ/1**) might be open at 10am for the milk tanker to come through and closed again at 10.30am to move livestock and then opened again at 11am for tractors and muck spreaders to go through and so on through the course of the day.
- 2.15. I spend most of the day in the Farm yard and on my land. My day starts at 5.30am and finishes on a normal day at 6.30pm. When I have silage to make or hay or land work to do then my days can go on until the fall of darkness. I have to go to cattle markets and out and about for trade and leaving the premises on those occasions is unavoidable.
- 2.16. I have turned riders back on occasion when mucking out sheds by the back yard (Point B on the Plan at **OBJ/1**). I turned back Pauline Murray and some of her riding school people in particular on one occasion.
- 2.17. Pauline Murray had specific permission from my father to ride through granted to her in about the mid 80's. I was present at the conversation she had with my Dad when he agreed to her and her students coming through. She specifically wanted to bring through some younger riders so that they were off the public highway and at less risk from the motor vehicles. My father agreed to that verbally. On the day I turned her back I was mucking the shed (Point B on the Plan at **OBJ/1**) out by pitchfork into the back of the trailer which was jack knifed across the Order Route. I was trying to hold bullocks at the back of the pen whilst I dug the muck out and I had no intention of stopping the process to move everything to let them through. She understood and turned around with her student riders and headed back to Sandy Lane.
- 2.18. Some of the young riders that came through with Pauline Murray from her riding school continued to ride through the Farm's with Bradleys' permission. I do not

know their names specifically I just recognised them as coming from Pauline's riding school.

2.19. If I am moving my cattle from one place to another and they are on the Order Route then it would never cross my mind that I was preventing someone coming through and no one ever complained when they couldn't come through. They understood. The yard end gate (Point C on the Plan at **OBJ/1**) is closed much of the day to work the farm. I milk cows twice a day and the gate has to be closed to stop the cows heading off the track up to Sandy Lane.

2.20. One rider that I think was called Diane (Fowler) used to ride through from the Airfield livery in the late 1980's. She had originally ridden through with Sue Chadwick (nee Whitham) and Mary Whitham as a group. The Whithams had been given permission by my father in the late 1970's to use the Order Route for horse riding. Mary had asked me at school and I asked my dad and he said that it was OK for them to ride through. I passed the message back to Mary at school. Diane once left the gate open and my cows went straight up the lane onto Sandy Lane. I caught her the next time she came through and told her straight "Shut the gate or you can't come through here again!"

2.21. It has always been the same people coming through who have been given permission. People like Virginia Stewart from Walker Syke family (who were considered neighbours) and Rachel Liles who is part of our Milk Buyers' team. They each have permission to ride through (as stated on Virginia Stewart's User Evidence Form) and used to turn up at 4pm on a Saturday.

2.22. Rachel Liles' use only started in 2009 when we became involved with J & E Dickinson, Longley Farm. Rachel Liles is our milk buying contact - she had mentioned riding her horse through the Farm at one of our monthly meetings in my kitchen. I told her that she could ride through with my permission. Virginia

Stewart is her cousin and they had their horses at Walker Syke Farm at that time. Rachel Liles and Virginia Stewart rode their horses together. Whilst Virginia Stewart states that she has always had permission to ride the Order Route which is true the claims she has ridden the Order Route for 40 years are not. She could not lead a young horse through the Farm because she would not been able to manage the gates and the rails whilst sitting on one horse and holding on to another.

2.23. I have in the past helped the Sykes family from Walker Syke with moving cattle to the abattoir and they have borrowed my David Brown 885 tractor annually for a good number of years to help them pull their hay baler out of a very low roof shed. I have never charged them for the use of the tractor because I was helping them out and on occasion I have received some beer as a thank you. I have always considered them to be good neighbours and would have always helped them out had they needed my assistance. However I now find that some members of that family have said things about me and my wife on social media and on papers for this Inquiry that are completely untrue and very hurtful. I do not understand the motivation behind this as the Sykes family from Walker Syke Farm have always been treated fairly and with respect by the Bradleys at Nether Moor. It seems though they have forgotten the working relationship between us.

2.24. Sue Carter, who has NOT filled out an evidence form but spoke against me in the town hall in front of the Planning Committee, actually asked my permission to come through the yard. She was at the yard end gate (Point C on the Plan at **OBJ/1**) on a horse and she shouted "Can I come through?" I walked to the gate and said to her that "yes you have my permission to come through" and I opened the gate. She now claims that she has never been given permission but she most definitely has because I granted it to her that day. I think she has misremembered. This happened shortly after she moved into the area in 1994. I cannot remember the specific date.

2.25. My father and I had been forewarned about Sue Carter by our farming friend Norman Stoney. He said that she was a trouble maker and to watch how we went with her. Norman Stoney was a retired farmer from the next village to us and had first-hand experience of Sue Carter. My father wasn't a man to fall out with people without a specific reason but I made sure that day as I opened the gate that I gave her my permission to come through.

2.26. During the winter months of early nights and damp weather we would go months and not see anyone but through the summer months we might get an odd rider on an evening or weekend. But again it would be someone either my father or uncle or I had given verbal permission to. They were generally the same riders that I have known for a long time. Through the working week we would rarely see anyone on horseback because most people were at work. The numbers were very low and were known to us; mainly the Whithams and the McCrories.

2.27. I have seen Sue Chadwick from the Airfield livery ride through the Farm in the half- light very early in a morning but she was given permission to use the track when her sister Mary Whitham asked me if they could ride their horses through our yard when I was at school with her in the mid to late 70's. I had to ask my father if they could have permission to come through the yard and he agreed that they all could come through with his permission. This it turns out was the start of their "claimed" usage.

2.28. The Whitham family have all ridden through our yard with permission which was first granted in the mid 1970's to do so. Sue Chadwick (nee Whitham) claims that she has ridden through since 1972. That is exaggerated as I didn't go to High School until 1976 which is where I came across Mary Whitham in my class. It was after that, during our time together at school, that the Whithams asked for, and received, permission to come through ... if it wasn't inconvenient for us.

2.29. I did however once catch James Whitham trying to come through the Farm yard with a tractor and trailer. This was in approx. 2004 shortly after he had moved into his house in approx. 2002.

2.30. I had moved the boulder at the Nether Moor Road entrance to go through on my tractor to do land work. James Whitham drove past in his vehicle. Then I saw him come from Sandy Lane end down the Order Route to the Nether Moor Road entrance in a tractor and trailer through my yard. He had seen that the boulder was out of place and was fancying his chances. I was too far across the land to catch him then but I went back to the yard and waited for him. Sure enough he reappeared with a trailer full of horse muck taking it from his stables at Delves farm where he lived up to the airfield. I stopped him and told him in no uncertain terms that he was NOT driving through my yard in a tractor – ever. I explained that the Order Route was private property and not a public road. He has not done it since.

2.31. I have also caught him riding motorbikes with his mates in my private woodland on more than occasion. I had to ask him to leave as I do not allow any rogue riders in my woodland at any time. He has subsequently returned with Huddersfield Falcons on an organised event and has been therefore allowed to ride in the wood with them but never on an ad-hoc basis.

2.32. In 2007 I closed the track for 12 weeks on a private agreement with Yorkshire Water.

2.33. My wife had been complaining to Yorkshire Water about the colour of the water coming into our house and they had been flushing the main at our yard end for quite a while in a bid to clear it. The main was iron and was really beyond help.

2.34. They wrote a letters to my wife and I saying they were coming into the area to replace the water main **(OBJ/84-87)**.

2.35. In mid-2007 a Yorkshire Water van arrived in the yard and the chap that got out said he was the site foreman for the work ongoing in the village and that they wanted to come onto us with the replacement main as we were the end of the line. He wanted to dig the Order Route up and wanted to know if we could get out of the Farm by another route. I had a long discussion with him and said that we could use the Nether Moor Road entrance to the Farm for access and would make sure that our Milk Tankers and delivery vehicles all knew to come in that way. The site foreman said that the works would last a couple of weeks.

2.36. They started digging and they dug the width of the Order Route from the start of the Order Route where it meets Sandy Lane (Point Z on the Plan at **OBJ/1**) up to and just beyond the yard end gate (Point C on the Plan at **OBJ/1**) where the water valve is. An annotated photograph prepared by my solicitor showing the approximate location of the water main is attached to this Proof of Evidence marked "A". I couldn't access any of the buildings on the north side of the track (including the cattle shed at Point B on the Plan at **OBJ/1**) and all the cows were moved into buildings lower down. My wife's car was parked in the Farm yard because we couldn't get onto our drive or garage and we were effectively closed down from Sandy Lane to the up to the Farm's yard (which is shown on the photograph marked "A" attached to this Proof of Evidence).

2.37. Time went on and the progress was slow until the site foreman arrived back in the yard and said that he was in a bit of mess. They had found some big issues with the work up in South Crosland village and they were on road closure notices with the Council. He wanted all his men up in the village and because he didn't need a road closure notice for us would it be OK to leave us for a couple of weeks so that he could avoid penalties in the village. The chap was in a fix. So I agreed to the extension of time and we carried on with the Order Route firmly out of action. It went on a bit longer than we thought and it was 12 weeks before they came back

to us to finish the work of restoring the Order Route to a usable condition. During this time the milk tanker had managed to get through from Nether Moor Road entrance to the Farm and the corn wagon and my wife Angela got the car out to go the supermarket and school run so it wasn't a big deal to me. However we had a four wheel drive truck and family vehicle which enabled us to get out of the Farm via the Nether Moor Road entrance. It was impassable in any other kind of vehicle. At one point the Order Route was so damaged that Yorkshire Water had to bring some hard core and patch it up from the Nether Moor Road entrance up to the Farm's yard. Anyone that attempted to come through from Nether Moor Road entrance other than for farm business I turned back. Anyone that came across the field footpath I turned back. There was nowhere for them to go other than down a big hole. The arrangements to dig up the Order Route were between me and Yorkshire Water. There was no road closure notices needed or applied for. It is my access track and I did not give any consideration to anyone using it permissively. I closed it and that was then end of it. I did not need to put up closure signs as the enormous hole that Yorkshire Water dug prevented anyone from accessing it via the Sandy Lane entrance and anyone that tried to come up from the Nether Moor Road entrance I simply turned back. The extensive digging along the Order Route made it clear it was closed!

2.38. No-one complained to me that I had dug a Public Right of Way up and the Council were neither seen nor heard from. But why would I have expected to hear from them?

2.39. In late 2008 United Utilities/Northern Gasworks arrived in the yard. This time they wanted to dig up to lay a new gas main again to the yard end. The approximate location of the gas main is marked on the annotated photograph marked "A" attached to this Proof of Evidence. I did ask them why they hadn't done it at the same time as Yorkshire Water the year before and the site foreman laughed!

2.40. We undertook negotiations with them ourselves and the job was agreed. Again they dealt with me and my wife and we agreed to the closure of the Order Route to lay the new main. They initially wanted to put it through the field on the north side of the Order Route but that hair brained idea was very quickly put a stop to. They were told to use the existing line along the Order Route only.

2.41. On this occasion the section of the Order Route between Point Z on the Plan at **OBJ/1** and just to the south-west of Point C on the Plan at **OBJ/1** was completely closed for approximately 4 weeks. The Farm operation continued again using the Nether Moor Road entrance. Anyone trying to get through I simply turned back.

2.42. My family and I have operated our farm business and the Farm in a manner to make it clear to anyone trying to access the Farm's yard that it had to be with the permission of the Bradley family. I have on occasion allowed walkers who didn't want to walk across the field footpath through the cows to walk down the Order Route. But they have always asked for my permission to do so. The main people who have asked are a group of walkers called the Friends of Beaumont Park. They are a little older in age and have always asked if it was OK to come through the yard if members of the group couldn't get over the stiles or didn't like the cows. Now they have to go over the stiles and through the cows because I have closed the Order Route to everyone. The permission I gave them was verbal and I know the personalities by sight in that group. My wife and I call them the Wednesday Walkers as they always arrive on a Wednesday.


2.43. All of the horse riders that used the Order Route were happy with what I had done when I explained the erection of the signs and notices on the Order Route in 2013. I continued to allow them to use the track permissively until April 2015 and then I closed it. I explained to them all why I had closed it and they all accepted my explanation. Of course that was to my face.

2.44. Then the unscrupulous Mr and Mrs Corrigan arrived on the scene and the horse riders all changed their stories and now say on their User Evidence Forms that they have ridden the Order Route because the Ordnance Survey map told them they could. Not one of them said to me at any given point that they were riding through my farmyard because they thought it was a Public Right of Way (whether because it was on the Ordnance Survey map or otherwise). I have since been informed by my son Jonathan Bradley (see his Proof of Evidence dated 10 January 2019) that Mr and Mrs Corrigan have encouraged members of public to falsify User Evidence Forms in a vain attempt to claim they have used the Order Route as a Public Right of Way.

2.45. I first became aware that the Order Route was claimed as an alleged Public Right of Way on the Ordnance Survey map was during an exchange with an Off Road driver called Alan Kidd who drove through the Farm on 20th January 2009. He was using an Ordnance Survey map and said that he had a right to come through and that if I tried to stop him he would call the police. He then printed an article about me and my property in a magazine called Total Off Road which brought off-roaders from far and wide.

2.46. Since this event my wife and I have been in fierce dispute with Kirklees Council over the use of my privately owned farm access track (the Order Route).

I believe that the facts stated in this Proof of Evidence are true.

Signed:


Name: RE. BRADLEY

Dated: 10.01.2019

