

## **30 years wait for road to be resurfaced - The story of Chapel Lane, Blackshaw Head**



### **Steam rising from Chapel Lane, Blackshaw Head as it is resurfaced for the first time in over 30 years**

After a 30 year campaign by Blackshaw Parish Council, Chapel Lane behind Blackshaw Head Methodist Church has finally been resurfaced by Calderdale Council and last Friday Councillor Dorothy Sutcliffe, Chairman of the Parish Council officially reopened the Lane. The long campaign for resurfacing was finally successful because of the diligent work of local Todmorden solicitor Mr E Craven in 1905 and 1906; the persistent detective work of Councillor Dorothy Sutcliffe in 2011; the legal advice of local Barrister Nigel Clayton and the records of the West Yorkshire Archive Service.

On 12 August 1905 Mr Craven was instructed by Mr Hollinrake, Clerk to Todmorden Rural District Council, to take steps for obtaining an order for the diversion of a road in Blackshaw Head and to deal with surface water from "Turgate Lane" on behalf of the Trustees of Blackshaw Head Wesleyan Chapel. The work was required because the graveyard at the chapel was being extended.

On 31 August 1905 Mr Craven applied to the Todmorden Petty Sessions for an order to divert the road and for two Justices of the Peace to be appointed to view the proposed diversion. Together with Mr Craven they visited the site on 8 September. Mr Craven then prepared and had printed a "Notice of Intention" to divert the road and arranged for the posting of the Notices at Mytholm, Heptonstall, Blackshaw Head and Cross Stone. The official notice was also inserted in four editions of the Hebden Bridge and District News. A formal certificate was prepared, and amended, for the justices and a date appointed, and changed, to take depositions at the sessions from witnesses and to issue the certificate. This involved getting a

resolution from Blackshaw Parish Council, finding and informing the witnesses; having a plan drawn, and redrawn by a surveyor. This was before emails and mobile phones so everyone involved had to be visited and found to be at home. Once the certificate had been obtained everyone had to be visited and informed before the certificate was taken to the County Hall at Wakefield and deposited with the Clerk of the Peace. Finally on 1 January 1906 Mr Craven travelled to Leeds to attend the Quarter Sessions to get an order for the diversion.

The order was duly obtained and again everyone involved was informed but it was conditional on dealing with the surface water from "Turgate Lane" and ensuring that the old road remained open until the new road was made and certified by the Justices of the Peace.

There were still more problems for Mr Craven to sort out including dealing with the surface water from "Turgate Lane" and a dispute about grouting the "surface water channel stones". On 12 June 1906 he was informed by Mr Barker, one of the Chapel Trustees and the manager of Blackshaw Head Co-op, that the Highway Surveyor had stopped the work on the diversion and surface water channelling until he was available to supervise. As the surveyor was now working in Erringden Mr Craven visited the Clerk to the Rural District Council to politely "see if arrangements could be made for the work to proceed".

After a final request to order a missing grate Mr Craven arranged for the two Justices of the Peace to inspect the work and certify that the work was complete. All the final paperwork was prepared and together with a Counsel on 15 October 1906 Mr Craven attended the Wakefield Quarter Sessions who then certified that the diversion had been completed to the courts entire satisfaction.

All this work is described in infinite detail, with costs, over ten foolscap pages in Mr Craven's account to the Trustees of Blackshaw Head Wesleyan Chapel for the sum of £44.7.11 and this was the document that Dorothy Sutcliffe found. The final certificate of completion was the first mention of the name "Chapel Lane". "Turgate Lane", which is mentioned frequently in Mr Craven's account, is no longer to be seen and no one seems to know where it was. It may be under the graveyard.

And so things remained and were maintained until 63 years later when on 27 November 1979 Mrs Pickles, the Clerk to Blackshaw Parish Council, wrote to West Yorkshire Metropolitan County Council asking for a pot hole in Chapel Lane to be repaired as it was a danger to pedestrians, especially in the dark. It was promptly repaired but on 8 April 1981 the Parish Council received a letter from the County Council stating that previous patching works were an error as "it is not adopted" and no further repairs could be authorised. The Parish Council replied stating that they considered the County Council to be responsible because the road had been repaired by various authorities over the last 65 years and there was still a Council road sign. County Councillor Kilbey even became involved but to no avail. Later the County Council was abolished and "responsibility" was passed to Calderdale Council.

Over the intervening years Blackshaw Parish Council has written many times to assert that Chapel Lane was a public highway maintainable at public expense. Calderdale Council did eventually accept responsibility for the surface water running

into Chapel Lane from the adjacent adopted "Old Shaw Lane" and washing away what remained of the Chapel Lane surface and after further correspondence, Calderdale Council, as a gesture of goodwill, constructed a kerb to divert the highway water away from Chapel Lane.

And that would have been that until Parish Councillor Dorothy Sutcliffe, in her role as one of the present day Trustees of Blackshaw Head Methodist Church, received a bundle of old documents relating to the Church and found and recognised the significance of Mr Craven's detailed 1906 account. Dorothy contacted a friend, Nigel Clayton, who just happened to be a barrister specialising in planning and related matters. Mr Clayton very kindly studied Mr Craven's Bill of Costs and in a detailed legal opinion stated that: -

"It is clear from the Solicitors' Bill of Costs that in 1905/6 the Trustees of the Blackshaw Head Methodist Church did follow the procedure under section 23 of the Highway Act 1835 for the creation and dedication of a new public highway being the road in its present position at the side of the graveyard, and such highway being forever thereafter maintainable at Public expense."

Councillor Sutcliffe passed on Mr Craven's account and Nigel Clayton's written opinion to the present Clerk to Blackshaw Parish Council asking him to take the matter up with Calderdale Council.

Unfortunately Calderdale Council is responsible for the maintenance of over 4,000 Kilometres of public highway and although Chapel Lane is less than 60 metres long and 5 metres wide there was a financial implication. The Clerk was therefore asked to contact the West Yorkshire Archive service and get copies of the Court records from the 1906 Wakefield Quarter sessions. Amazingly these records were found and copied and on 7 December 2011 the Clerk, Lars Hansen, together with Councillor Dorothy Sutcliffe travelled to Halifax to present the documents to the Calderdale Rights of Way Officer. Everything was copied and they were assured that the documents would be carefully studied.

On Saturday 14 January 2012 a team of workmen appeared and resurfaced Chapel Lane. At the official opening on Friday 27 January Councillor Dorothy Sutcliffe commented "Now that we have got Chapel Lane sorted I want to sort out Oakville Road in Charlestown. There was an agreement between the Todmorden Board and the Railway Company that they would jointly maintain that road." Has anyone got a copy of that agreement?

Anyone wishing to have further information should contact Lars Hansen, the Clerk to the Parish Council.