

0 10 20 30 40 50 60 70 80 100m

Map scale 1:2500

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Data last updated 10:00pm 04 JULY, 2017

WIBSEY SLACK AND LOW MOOR  
INCLOSURE ACT, 1880.

(Copy 60)  
INCLOSURE AWARD.

JOSEPH SMITH, Valuer.

Bradford, 1889.

NORTH BIERLEY LOCAL BOARD



# To all to whom these Presents shall come,

I, JOSEPH SMITH, of Bradford, in the West Riding of the County of York,  
Land Surveyor, SEND GREETING.

WHEREAS a Provisional Order for the Inclosure, under the provisions of the Inclosure Acts, 1845 to 1878, of Wibsey Slack and Low Moor Commons, situate in the Township of North Bierley, in the Parish of Bradford, in the County of York, has been confirmed by The Inclosure (Wibsey Slack and Low Moor Commons) Provisional Order Confirmation Act, 1881, and by such Act it was enacted among other things that, notwithstanding anything in the said Inclosure Acts to the contrary, the legal estate in the allotments made in pursuance of such Provisional Order for Recreation Grounds should be vested in the North Bierley Local Board.

AND WHEREAS I, the said JOSEPH SMITH, have been appointed the Valuer in the matter of the said Inclosure, and, having made the declaration required by the said Acts, have duly held all necessary meetings, and have drawn up and sent to the Land Commissioners for England my Report in writing in the matter of the said Inclosure, with a Map thereto annexed, and in all other respects complied with the provisions of the said Acts.

AND WHEREAS, all such objections as have been made to my said Report having been heard, and all such inquiries having been made in relation thereto as the said Land Commissioners have thought fit, the said Commissioners have authorised and directed me to cause to be drawn up and engrossed on parchment my Award in the matter of the said Inclosure.

AND WHEREAS by the said Provisional Order, after reciting that the Low Moor Company, as Lords of the Manor of Royds Hall, were entitled to the soil of the said Commons, it was provided among other things as follows, or to the following effect, that is to say:—

THAT there shall be reserved to the said Company, the Lords of the Manor of Royds Hall, and to any person or persons to whom they may convey the same, and for any estate, and whether as Trustees or Trustees for the Company or otherwise, the mines, beds and strata of coal, ironstone, and intermixed minerals known as the Low Moor Beds, comprising the Black Bed and Better Bed coal, the Black Bed ironstone, and the fire-clay in or under that part of the said Commons, containing about 56 acres, which lies on the south-east side of the Lancashire and Yorkshire Railway, and comprises the Allotments numbered from 429 to 500, both inclusive, on Part 2 of the Map hereinafter referred to, and is herein called the Low Moor Mineral Portion, together with the site thereof and the space or area containing the same, and all pits and passages, roads and tramways whatsoever, within, upon, over and under the said Low Moor Mineral portion, with full power for the owner or owners for the time being of the mines, coal, culm, veins, beds, seams, ironstone and minerals hereby reserved, his, her and their tenants, lessees and servants to open, sink, dig, work, get, stack, burn, smelt, take and carry away the same, and to use the site thereof, and such mines, pits and passages as aforesaid for any purpose whatsoever, and for all or any of the purposes aforesaid, to use and make all necessary roads, ways, tramways and railroads in, over, under and upon the surface of the said Low Moor Mineral Portion, and to make reservoirs, divert water-courses, conduct water, erect kilns, forges, furnaces, foundries, engines and workshops and all other necessary buildings therein and thereon, and to make beds and ovens therein and thereon for converting coal into coke or cinders or for any other purpose, and to make and maintain therein and thereon, drains, trenches, watercourses, airgates, pits, shafts, pithills, buildings, gins, machinery, and other erections, and to use the said shafts or pits now or hereafter to be made on the said Low Moor Mineral Portion, and all roads and ways, drifts, levels, buildings, plant, kilns, forges, furnaces, foundries, engines, machinery or other works now or hereafter to be made, erected or placed in, upon, under or over the same land, (power for making and erecting which is hereby reserved)

*The Land Commissioners for England hereby certify  
this to be a true copy of the original Award.  
In testimony whereof they have hereunto set their  
Official Seal this Twenty-fourth day of January, in the  
year of our Lord 1889.*

L. S.



*Reservoirs and  
Watercourses  
for Low Moor  
Company.*

*Do. for  
James Bottomley*

AND I DECLARE that I have set out and appointed, and do hereby set out, appoint and award, for the use of the Low Moor Company, Limited, their successors and assigns, the several Reservoirs in the Recreation Allotment, No. 568 on the **Map, Part 2**, and the Watercourses numbered 23a on the said **Map, Part 1**, and that the said Company shall have the exclusive right to the Waters in such Reservoirs, and flowing along such Watercourses. And whereas under Clause 4 of the Agreement with the Low Moor Company mentioned in the Provisional Order, the Company were entitled to an Allotment of the Reservoir and Watercourses next hereinafter mentioned, and they have sold and conveyed such right to James Bottomley, of Buttershaw, Manufacturer:—Now, therefore, I declare that I have set out and awarded, and do hereby set out and award, unto the said James Bottomley, his heirs and assigns, the Allotment No. 22 and the Reservoir therein, and the Watercourses thereto, and numbered 22a on the said **Map, Part 1**, and that the said James Bottomley shall have the exclusive right to the Water in such Reservoir, and flowing along such Watercourses. Excepting and reserving to the Owners and Occupiers for the time being of the Allotments in which the said Reservoirs and Watercourses are situate, the right to use the Water for recreative and agricultural purposes, and to make reasonable diversions in any lines of such Watercourses, but so as not to impound or divert or lessen the ordinary flow of the Water in the said Watercourses, and so that the Water in such Courses and Reservoirs be in no way fouled or injured in quality or force. And the said Low Moor Company Limited and the said James Bottomley respectively, may by themselves or their servants enter the Lands surrounding such Reservoirs, and on the line and along the side of such Watercourses, for the purpose of cleansing, repairing, renewing and maintaining any of the said Reservoirs and Watercourses, they making good all damage which may thereby be done to the land so entered upon.

AND in pursuance of the said Provisional Order, I declare that, so far as is practicable, in any Drainage on Wibsey Slack, or on any other part of the said Commons, which may be made either for public purposes or private improvement, the Water shall not be diverted from the present lines of watershed and watercourse.

AND I DECLARE that, in pursuance of the said Provisional Order and Act confirming the same, I have set out, and do hereby set out, allot, and award unto the North Bierley Local Board, to be held in trust as Recreation Grounds for the inhabitants of the said township and neighbourhood.

*Recreation  
Grounds.*

FIRSTLY, all that piece or parcel of Land, numbered 22 on the said **Map, Part 1**, containing 30 acres, and called Wibsey Park Recreation Ground.

SECONDLY, all that piece or parcel of Land, numbered 397 on the said **Map, Part 2**, containing 7 acres, and called the Odsall Recreation Ground.

THIRDLY, all that piece or parcel of Land, numbered 568 and 568a on the said **Map, Part 2**, containing 20a. 1r. 31p., including the site of the Reservoirs therein, and called Harold Park Recreation Ground, subject to the reservations to the Low Moor Company Limited hereinbefore contained.

FOURTHLY, all that piece or parcel of Land, numbered 495 on the said **Map, Part 2**, containing 9 acres, and called Oakenshaw Recreation Ground.

AND I DECLARE that the said Local Board shall have the general management and control of the said Recreation Grounds, and power to make bye-laws and regulations for the prevention of, and protection from, nuisances, and for keeping order thereon.

*Cemetery.*

AND I DECLARE that in further pursuance of the said Provisional Order, I have set out, and do hereby set out, allot, and award unto the said Local Board all that piece or parcel of Land, numbered 567a on the said **Map, Part 2**, containing 15 acres or thereabouts, in trust for the purposes of a Cemetery.

AND I DIRECT that the fences on the sides marked thus I within each of the said several pieces or parcels of Land, numbered 22, 397, 568, 568a, 495, and 567a, shall from time to time be repaired and maintained by, and at the expense of, the said Local Board.



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

**Department of Corporate Services  
Legal and Democratic Services**

**Property Commercial and  
Development Team**

Third Floor  
City Hall  
Bradford  
West Yorkshire  
BD1 1HY  
DX11758 BRADFORD -1

Charity Commission,  
PO Box 211,  
Boothle,  
L20 7VX

**URGENT –**

**FIRST CLASS MAIL**

Tel: [REDACTED]  
Fax: [REDACTED]  
My Ref: Corp/pcd/dm/  
Your Ref: [REDACTED]  
E-Mail: [REDACTED]@bradford.gov.uk  
Contact: [REDACTED]

City Solicitor: [REDACTED]

Date: 13<sup>th</sup> September 2017

Dear Sirs,

**Re: Wibsey Park Recreation Ground – charity number 1042146**

Referring to the above, I enclose a copy of the following e-mails, the contents of which I trust you will find self explanatory, together with the enclosures therein referred to:-

7<sup>th</sup> July 2017 at 15.52

7<sup>th</sup> July 2017 at 15.55

6<sup>th</sup> September 2017 at 10.09

In the light of the e-mails and in particular my e-mail of 6<sup>th</sup> September 2017 at 10.09 and given the passage of time, it would be extremely appreciated if you could let me have a response to the same as soon as conveniently possible.

Any assistance you are able to give in this matter, would be most helpful.

Accordingly, I look forward to hearing further from you on the above, but in the meantime it would be appreciated if you could kindly acknowledge receipt of this letter and its enclosures.

Yours faithfully,

[REDACTED]  
Property Commercial and Development Team





City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

**Department of Corporate Services  
Legal and Democratic Services**

**Property Commercial and  
Development Team**

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West Yorkshire  
BD1 1HY  
DX11758 BRADFORD -1

Charity Commission,  
PO Box 211,  
Boothle,  
L20 7VX

**URGENT –**

**FIRST CLASS MAIL**

Tel: [REDACTED]  
Fax: [REDACTED]  
My Ref: Corp/pcd/dm/  
Your Ref: [REDACTED]  
E-Mail: [REDACTED]@bradford.gov.uk  
Contact: [REDACTED]

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Yours faithfully,

[REDACTED]  
Property Commercial and Development Team





[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 07 July 2017 15:52  
**To:** 'webscwliverpool@charitycommission.gsi.gov.uk'  
**Subject:** FW: Wibsey Park Recreation Ground - charity number1042146  
**Attachments:** Official Copy (Register) - WYK909727.pdf; Official Copy (Title Plan) - WYK909727.pdf; Wibsey Park Lodge Plan.docx; MapSearch-20170705-112843.pdf; Extract from Wibsey Slack and Low Moor Inclosure Award.pdf

For the Attention of [REDACTED] Senior Case Officer, Charity Commission

Dear [REDACTED]

The Council holds property known as Wibsey Park, Wibsey Park Avenue, Wibsey, Bradford, which property is registered under title number WYK909727 (see note 1) on trust as Recreation Ground for the inhabitants of the North Bierley and neighbourhood by virtue of an Inclosure Award under the Wibsey Slack and Low Moor Inclosure Act 1880.(see note 2)

Wibsey Park Recreation Ground is a registered charity – charity number 1042146 – with its charitable objectives being “recreation ground for the inhabitants of north bierley and neighbourhood”

The Council, in its capacity as Trustees, now wishes to dispose of The Lodge, which forms part of Wibsey Park Recreation Ground, the extent of which disposal is shown on the attached plan (see note 3)

The Council, in its capacity as Trustees, consider that:-

- a) The Lodge does not, in effect, form part of the recreation ground and as such is separate and apart from it
- b) That the sale of The Lodge would not alter or affect the current trusts of the Charity ie: would not materially affect the nature of the Trust and, therefore, provided that the sale was deemed to be in the best interest of the Charity (not the Council) consent of the Charity Commission would not be required
- c) The Inclosure Award does not grant an express power of sale and, therefore, it is contended that the Trustees have power of sale of The Lodge under the Trusts of Land and Appointment of Trustees Act 1996 as its disposal will not alter or affect the trusts

It is accepted, however, that the Trustees would need to comply with the Charities Act namely:-

- a) Give public notice of the disposal inviting representations under the Charities Act
- b) Obtain a survey report from a qualified surveyor acting solely on behalf of the charity
- c) Adhere to the recommendations of the surveyor on advertisement of The Lodge to obtain the best price possible
- d) Be satisfied that the sale is in the interests of the Charity and the reasoning behind the decision to sell forming part of the records of the Charity

Subject to the above, therefore, I am of the view that the authority of the Charity Commission would not be required in connection with the sale of The Lodge but it would be much appreciated if you could confirm that this is the indeed the case in this matter.

Accordingly, I look forward to hearing from you on the above. However, if any further information is required, or clarification of any point, please do not hesitate to let me know.

Yours sincerely,,  
[REDACTED]

Legal Officer  
Property Commercial and Development Team

Encs:

Note: 1 Office copies under title number WYK909727

Title plan under title number WYK909727

Note: 2 Extract from the Inclosure Award

Note: 3 Plan showing the extent of the property, forming The Lodge, which is being considered for sale

Map Search

Ps. I confirm that I have also emailed this to enquiries as I was unsure as to whether you would be dealing with this matter personally –

Tel: [REDACTED]

Email [REDACTED]@bradford.gov.uk

Room 304, 3rd Floor, City Hall, Bradford, BD1 1HY

**City of Bradford Metropolitan District Council**

**Department of Legal and Democratic Services**

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**From:** [REDACTED]  
**Sent:** 07 July 2017 15:55  
**To:** 'enquiries@charitycommission.gsi.gov.uk'  
**Subject:** FW: Wibsey Park Recreation Ground - charity number 1042146  
**Attachments:** Official Copy (Register) - WYK909727.pdf; Official Copy (Title Plan) - WYK909727.pdf; Wibsey Park Lodge Plan.docx; MapSearch-20170705-112843.pdf; Extract from Wibsey Slack and Low Moor Inclosure Award.pdf

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Accordingly, I look forward to hearing from you on the above. However, if any further information is required, or clarification of any point, please do not hesitate to let me know.

Yours faithfully,

Legal Officer

Property Commercial and Development Team ,

Encs:

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Title plan under title number WYK909727

Note: 2 Extract from the Inclosure Award

Note: 3 Plan showing the extent of the property, forming The Lodge, which is being considered for sale

Map Search

Tel:

Email: @bradford.gov.uk

Room 304, 3rd Floor, City Hall, Bradford, BD1 1HY

**City of Bradford Metropolitan District Council**

**Department of Legal and Democratic Services**

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 06 September 2017 10:09  
**To:** 'websew@liverpool@charitycommission.gsi.gov.uk'  
**Subject:** Wibsey Park Recreation Ground - charity number 1042146  
**Attachments:** FW: Wibsey Park Recreation Ground - charity number1042146 ; FW: Wibsey Park Recreation Ground - charity number1042146

**Importance:** High

Dear Sirs,

I would refer to my email of the 7<sup>th</sup> July and should be obliged if you could kindly give me some indication as to when the same will be attended to.

The reason for the urgency is that I now understand that there has been further vandalism attacks at The Lodge Wibsey Park and Police visits to the property and therefore there is some urgency in the matter.

Accordingly, I look forward to hearing from you on the above. In the meantime, however, it would be appreciated if you could kindly acknowledge receipt of this email, to enable me to report the same to my client.

Yours faithfully,

[REDACTED]  
Legal Officer

Property Commercial and Development Team

Tel: [REDACTED]

Email: [REDACTED]@bradford.gov.uk

Room 304, 3rd Floor, City Hall, Bradford, BD1 1HY

**City of Bradford Metropolitan District Council**

**Department of Legal and Democratic Services**

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Wibsey Park Lodge

ARN 53863

Scale 1:1250

Instruction: Potential disposal of a Charity Asset with the proceeds being reinvested into the Park

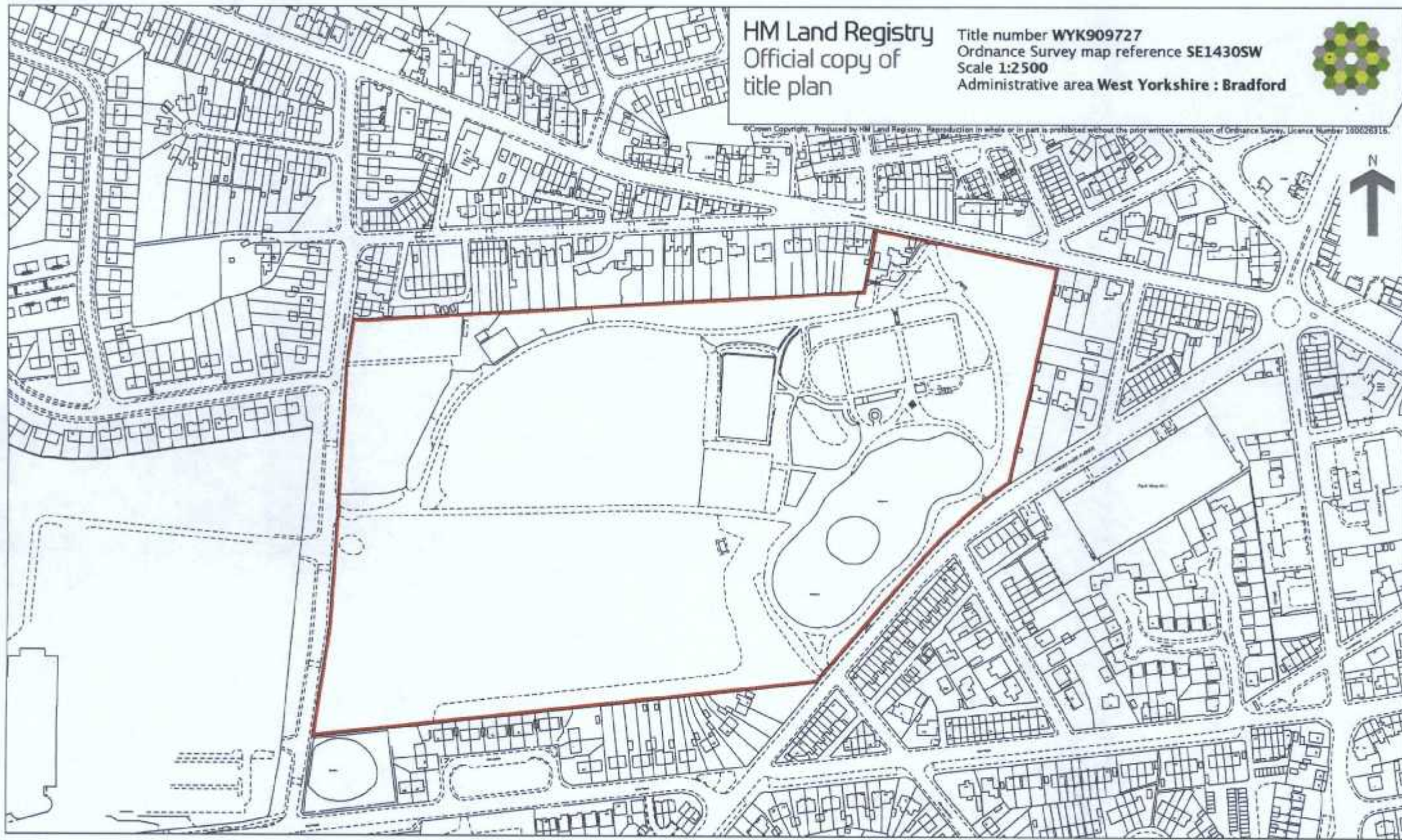


HM Land Registry  
Official copy of  
title plan

Title number **WYK909727**  
Ordnance Survey map reference **SE1430SW**  
Scale **1:2500**  
Administrative area **West Yorkshire : Bradford**



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**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

This official copy is issued on 24 May 2017 shows the state of this title plan on 24 May 2017 at 11:58:40. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Nottingham Office .





## Official copy of register of title

Title number WYK909727

Edition date 22.09.2009

- This official copy shows the entries on the register of title on 24 MAY 2017 at 11:58:39.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 24 May 2017.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Nottingham Office.

### A: Property Register

This register describes the land and estate comprised in the title.

WEST YORKSHIRE : BRADFORD

- 1 (22.09.2009) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Wibsey Park, Wibsey Park Avenue, Wibsey, Bradford.
- 2 (22.09.2009) The mines and minerals together with ancillary powers of working are excepted.

### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

#### Title absolute

- 1 (22.09.2009) PROPRIETOR: CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL of City Hall, Bradford, West Yorkshire BD1 1HY the trustees of the charity known as Wibsey Park.

#### End of register

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.