



Planning & Transport Department,  
PO Box 43, Shire Hall, Warwick, CV34 4SX.

Wildlife & Countryside Act 1981  
Definitive Map of Public Rights of Way for Warwickshire

form  
**D**

**Application for Modification Order  
to UPGRADE a Route on the Map**

**Applicant's**

Full Name Judith Vero (Mrs)

Address

Grendon Lodge

Town

Atherstone

Warwickshire

Postcode

CV9 1BA

Daytime Tel

0827 712250

Date of Birth

Occupation

Housewife/Local Historian

I hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the County of Warwick by Upgrading

in whole / in part \* the route No. AE104a (as shown on the Definitive Map)

from a Public Footpath / Public Bridleway \*

to a Public Bridleway / Byway Open To All Traffic \* as shown on the attached map.

\* delete as appropriate

Please describe the route carefully and explain exactly where the route starts (from a point on a road or path); the line it follows and exactly where it finishes. Colour the line of the route on an 1:2500 scale Ordnance Survey Map and mark the position of any obstructions, fences, stiles or gates. Also note the width and surface type of the route.

If possible give Ordnance Survey 10 figure grid references for the start and finish of the route.

Grid References

Start

SP 321 950

Finish

SP 315 945

The route begins at a padlocked and barb-wired gate with a stile beside it at the junction of Cherry Tree Lane, Hartshill and the private track to White Hall Farm. It skirts the north side of the hedge/fence which forms the boundary of Hartshill Hayes Country Park. Over the first field the track is still clearly visible. It is wide enough to take vehicles and the marks of wheels can be seen rutting the surface. Over the next two fields it is sown but a footway is trodden in the soil. At the western tip of Hartshill Hayes (SP 316 945), the route enters County Council land by way of a gate and restrictive frame (to exclude horses and cycles), then runs due west to join AE104. This part is open grassland and unmarked on the ground.

Signed

Date

4th May 1994

please see other side

Office use only

Claim no.

## Making your Application

Note on this application form all the documents you are using as evidence (and attach copies if possible), plus any photographs.

Please ask anyone who wishes to give evidence that they have used the route, to fill in a "Witness Statement" Form G. Collect the completed forms and return them with your application.

Before returning your application form you must send to each owner/occupier/tenant of the land crossed by your claim:

- A Notice of Application for Modification order, **(Form A)**

Your completed application form, should then be returned to the County Council with:

- an Ordnance Survey plan of the route
- a certificate of Notice of Application for Modification Order, **(Form B)** listing the owners/occupiers to whom you sent a copy of **(Form A)**.
- Evidence – documents, photographs, "Witness Statement" forms **(Form G)**

You may find it helpful to keep a copy of all the information you send to the County Council.

### Send your application to:

Warwickshire County Council  
Planning & Transport Department,  
PO Box 43, Shire Hall, Warwick, CV34 4SX.  
Telephone (0926) 410410 ext. 2889

### Evidence in support of your claim

Documents ☒ number attached (pages) *5 pages*

Please attach a copy of any documents or maps you are using as evidence and give the full name and address of the Library, Record Office, University or person who has the original document together with the document reference number and title.

Photographs ☐ number attached

These should be securely mounted on card, stout paper or in plastic wallets, the same size as this form (A4). Each photograph should be clearly numbered and labelled with the date and place it was taken. Please show the location of the photographs on a plan.

Witness Forms ☒ number attached

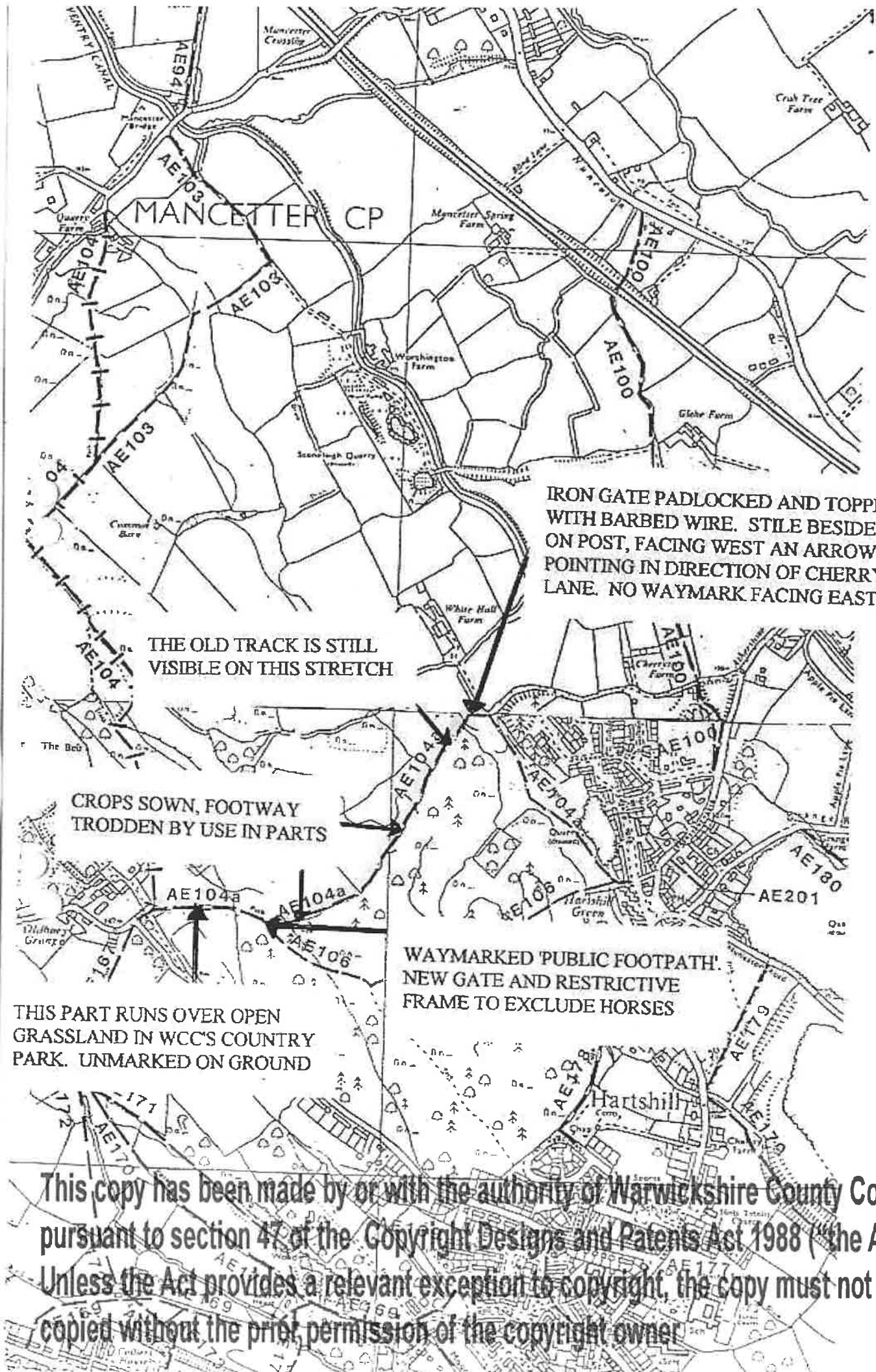
Please list on this form the name and address of each person who has completed a "Witness Statement" in support of your application numbering each one. Also put the same number on the top right hand corner of each "Witness Statement" form.

Briefly, why do you believe this route is a) public b) of the wrong status)

- a) The road which leads to AE104a from Atherstone Road, Hartshill at SP 327 951, known by the name of Cherry Tree Lane, is a wide and well-used track. The surface is of dirt and stones on a hardcore base, and is marked by the tracks of vehicles. There are no notices to prohibit access, and it has clearly continued as an unobstructed public right of way for many years. At present, the lane is used by vehicles for access to the two properties, Cherry Tree Farm and Whitehall Farm, and also by recreational users, who occasionally park at the end of the lane where they can gain access to Hartshill Hayes Country Park, and to the route in question. AE104a is currently shown on the Definitive Map as a public footpath.
- b) Evidence shows that in former times AE104a was a carriageway leading from Oldbury to Cherry Tree Lane and providing direct access to Watling Street. After the canal was opened, it was a direct route from the mines at Oldbury to Hartshill Wharf. It now forms the parish boundary between Mancetter and Hartshill. The Ordnance Survey map shows quite clearly that AE104 is a 'missing link' in the modern road network. (Please see Doc. 4).

List your detailed evidence/references below – and list of witnesses

- This ref is the same as above*
- 1) Extract from *Heardred's Hill: a History of Hartshill and Oldbury* (Joan Allen, 1982), p. 138. This is a copy of the 1728 Estate map of Oldbury (Warwickshire County Record Office, CR604), which, I am told by the County archivists is too large to photocopy. It will be argued that the road shown on this map was laid for the private use of Oldbury Hall. However, it also serves an area of common land, and a field where a medieval form of cricket was played. Furthermore, all the roads shown on this map are today public roads (apart from one which has been obliterated by mining activity). But most convincing of all, is the fact that it provides direct access from the village of Oldbury to Hartshill Wharf and Watling Street. It is most unlikely that horses and carts would have been sent the long way round, via Oldbury Road, to reach the Wharf, or Watling Street.
  - 2) Map taken from the *History and Antiquities of the Parish of Mancetter*, (Benjamin Bartlett), 1791, facing p. 29. The road running SW from Hartshill village, skirts the W side of the Hayes and must therefore be AE104a. Today, all other roads on this map are public highways, although one (running E from Hartshill village to the S of Nuneaton Common) has been cut off in recent years through quarry working. The hedge on the left of the map, today runs along the edge of a public bridleway and divided the old manors of Atherstone and Mancetter. It is interesting that this important old thoroughfare is not shown on Bartlett's map. Another road which is today a bridleway is shown as joining Oldbury Hall with the parish church of Mancetter. There are other roads and bridleways which could have been included but were not. On this map Bartlett shows only the major roads. He was in a good position to know about AE104A, for he lived at Hartshill Grange, shown on this map just to the N of Hartshill village.
  - 3) Copy of first edition Ordnance Survey Map, dated 1835. Although this may not be admissible as evidence of a public right of way, it surely supports maps (1) and (2). If AE104a was not a public road, how did the mineral operators get their produce to the Wharf or Watling Street?
  - 4) Statement of the research of Mrs Judith Vero.
  - 5) Witness Statement from Mrs May Bostock, Hartshill Grange, Hartshill, Nr Nuneaton, Warwickshire, CV10 OST.
  - 6) Witness Statement from Miss Wendy Knight, Kenilworth Farm, Watling Street, Nuneaton, Warwickshire, CV10 OS13.



IRON GATE PADLOCKED AND TOPPED WITH BARBED WIRE. STILE BESIDE IT. ON POST, FACING WEST AN ARROW POINTING IN DIRECTION OF CHERRY TREE LANE. NO WAYMARK FACING EAST

THE OLD TRACK IS STILL VISIBLE ON THIS STRETCH

CROPS SOWN, FOOTWAY TRODDEN BY USE IN PARTS

WAYMARKED 'PUBLIC FOOTPATH'. NEW GATE AND RESTRICTIVE FRAME TO EXCLUDE HORSES

THIS PART RUNS OVER OPEN GRASSLAND IN WCC'S COUNTRY PARK. UNMARKED ON GROUND

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