



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

form

1

Application for a Modification Order

Rights of Way, Communities,
PO Box 43, Shire Hall,
Warwick, CV34 4SX

To: **Warwickshire County Council**

Of: **PO Box 43, Shire Hall, Warwick, CV34 4SX**

I/We: **Martin Laurence Cross**

Of: **13 New Road, Water Orton, Warwickshire. B46 1QP**

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

Deleting * the Footpath / Bridleway / Restricted Byway / Byway Open to all Traffic *

from to

Adding * the Footpath / ~~Bridleway / Restricted Byway / Byway Open to all Traffic~~

from **SP179914** to **SP179916**

Upgrading / Downgrading * to a Footpath / Bridleway / Restricted Byway / Byway Open to all
Traffic * the Footpath / Bridleway / Restricted Byway / Byway Open to all Traffic *

from to

Varying / Adding to * the particulars relating to the Footpath / Bridleway / Restricted Byway /
Byway Open to all Traffic *

from to

by providing that

* delete as appropriate

and shown on the map accompanying this application.

I/We attach copies of the following documentary evidence (including statements of witnesses)
in support of this application (see overleaf **).

Signed ...  Dated 12/4/16

The accompanying map must be at a scale of 1:25000 or greater (e.g. 1:10000)

Please see overleaf

**** Evidence in support of your claim -**

Documents 2 (number of pages attached)

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

Photographs 10 (number attached)

These should be securely mounted on card, stout paper or in plastic wallets, each should be clearly numbered and labelled with the date and place it was taken and if possible please show the location of the photograph on a plan.

Witness Statement Forms (Form 4) 13 (number attached)

Please number each form and make a list with the name and number of each person who has completed a "witness statement" in support of your application, on *this* form.

List your evidence and references (continue on a separate sheet if necessary)

1. Extract from Ordnance Survey Map Explorer 232 (1:25000 scale)
2. Googlemaps aerial photo extracted from internet April 2016.

List your witnesses (continue on a separate sheet if necessary)

- 1 Mr Martin Cross
- 2 Mrs A Goldsmith
- 3 Mr David Style
- 4 Mrs Susan Shaw
- 5 Mr Robert Shaw
- 6 Mrs Pamela Johnson
- 7 Mrs Julie Chiswick
- 8 Mr Hugh Sharpe
- 9 Mrs Phyllis Boole
- 10 Mr James Boole
- 11 Mr Dean Goldsmith
- 12 Mr R Stallard
- 13 Mr E Booker



Disputed Footpath.

75

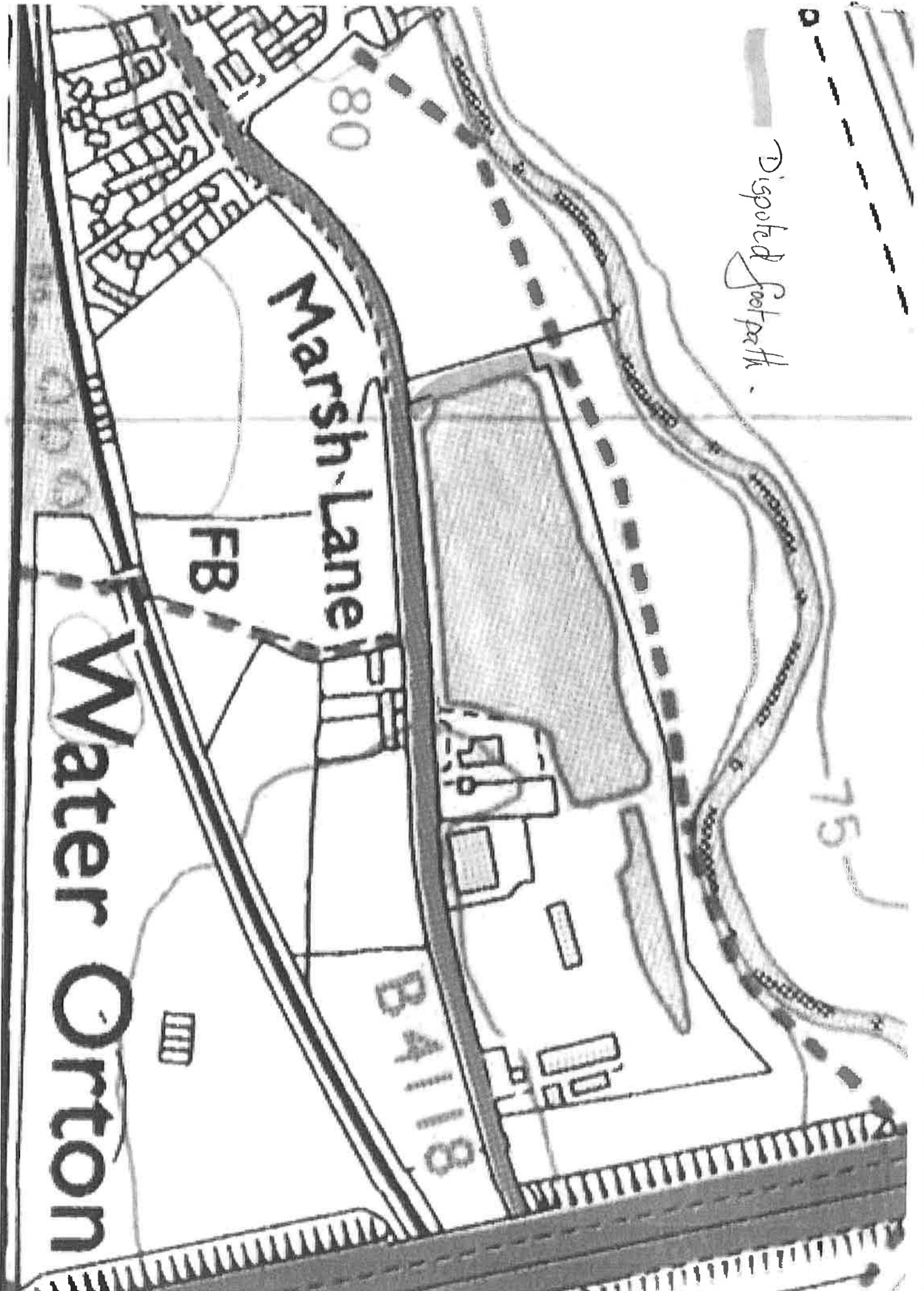
80

Marsh Lane

FB

B4118

Water Orton





Warwickshire
County Council

Rights of Way, Communities,
PO Box 43, Shire Hall,
Warwick, CV34 4SX

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

form

1a

**Application for a Modification Order
(Supplementary Information)**

Name: Martin Cross

Address: 13 New Road, Water Orton, N Warks. B46 1QP

The purpose of this form is to gain as much information about the route claimed as possible.
Please complete the following sections in as much detail as you can.

1. Please explain why you believe the Definitive Map and Statement should be modified, for example, why you believe the route should be added to the map or should be upgraded.

I moved to Water Orton in January 2003 and immediately started using this well trodden and well walked path on a daily basis for over 12 years. In June 2015 the path was fenced off from Marsh Lane with barbed wire added and a sign put up stating

"Private Property Authorized Personnel Only Beyond
This Point Trespassers will be Prosecuted"

Until June of 2015 there has never been any obstruction or any reason to think that the use of this path was in annoyance to the land owner whatsoever, in fact the access to the left of the gate on the public side has paving slabs across the ground presumably to prevent this entrance becoming too muddy (see photograph No.1 Taken in June 2015). The slabs obviously been laid for some time being uneven with one broken & grass growing between them.

The path has been used by residents of Water Orton for well over 20years. The only people who have filled in forms are residents of the village who have walked this path in excess of 20years although there are lots like me who have walked the path for less than this 20year period. Nobody I have spoken to has any recollection of any signs or barriers to prevent public access until June of 2015.

I have spoken to Mr Martin Bevan who I believe to be one of the owners of Beaver Metals. He told me he had no objection to residents of the village walking this path, indeed he even talked about putting a kissing gate in to allow access.

2. Please describe the route carefully:

- i) Start point **Marsh Lane, Water Orton** Grid Reference **SP179914**
- ii) End point **Flood bank, Public Footpath** Grid Reference **SP179916**
- iii) Are there any gates / stiles / bridges? Please describe where (it would be helpful to mark them on a map).

Prior to June 2015 there was a clear defined opening in the fence along side a metal vehicle gate in Marsh Lane with paving slabs on the public side leading to it.

- iv) Can the route be used today? **No.**

If not:

- what prevents access along the route – please mark the locations on a map.

A new fence has been put in topped with barbed wire and a new locked gate fitted.

- are you aware of when any obstruction occurred?

early June 2015

- v) Are there are any signs / notices on the route? **Yes**

If yes:

- please mark their location on a map.

- in what year did the notices appear?

- what do they say?

June 2015 "Private prpoerty authorised personnel only beyond this point trespassers will be prosecuted". (I spoke with Mr Bevan who I believe to be the land owner who said he would & did remove it, although another was put up in its place.)

1st March 2016 "Section 31 Highways Act 1980 No public right of way this notice was erected by Beaver Metals 0121 776 7099 01 March 2016

- vi) What is the surface type of the route? It would be helpful to mark it on a map.

From Marsh Lane, paving slabs (see photo 1) led to what used to be a clear opening in the fence next to the vehicle gate (see photo 2). Beyond the opening a soil surface under trees and then grass path leading up to the public footpath on the floodbank.

Signed:



Dated:

12/4/16