



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

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

**Applicant's** Full Name BADDLESLEY ENSOR PARISH COUNCIL  
Address 15 Mr. S. REECE 17 WINDMILL ROAD  
Town ATHLESTONE  
WARWICKSHIRE Postcode CV9 1HP  
Daytime Tel [REDACTED] Date of Birth [REDACTED]  
Occupation CLERK TO THE PARISH COUNCIL

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. AE 74 (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 a 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	Finish
	<p>THE WAY LEADING FROM THE MADE UP CUL-DE-SAC KNOWN AS ROTHERHAMS HILL IN A SOUTHERLY DIRECTION TO THE PARISH BOUNDARY. STARTING FROM THE ROTHERHAMS BRIDGE ON THE FORMER KINGSBURY BAYTERLEY MINERAL RAILWAY ALONG A MOSTLY METALLED TRACK SOME TEN FEET WIDE. THE FIRST SECTION OF THE WAY IS FENCED ON BOTH SIDES AND THERE IS A GATEWAY WITH HANGGATE FOR PUBLIC PASSAGE TO THE SIDE ABOUT 100 YARDS DOWN THE WAY. THE FOOTWAY THEN BECOMES MORE OPEN TO THE WEST LEADING TO THE PARISH BOUNDARY ADJACENT TO THE LON'S WOOD. THE WAY IS WAYMARKED AS A FOOTPATH.</p>	

Signed

[REDACTED SIGNATURE]

Date

19th March 1993

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)

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)

It is considered that this route has always been a public right of passage with horses for many years and only in recent times has this been questioned and action taken to physically block the way with a large tree trunk. Following local discussions in recent months there seems to have been some acceptance of the right as the tree trunk has been removed and an openable gate reintroduced. The Council is not seeking to establish the route as a road open to all traffic. Many residents of the village and from the Parish of Bextrey would support these contentions.

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

Evidence is available from many local residents and statements are enclosed from:-

- (a) County Councillor R. Sweet who has lived in the village all his life and
- (b) Parish Councillor C. Hamblin who has lived in the area since before the second world war and is a regular walker of footpaths throughout Baddesley Kensal and adjoining parishes. He now organises an annual walk on some of the Parish footpaths and is something of a local "footpaths authority".

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