



Warwickshire
County Council

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

form

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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: Prof. Carol Chillington Rutter with Crimscote residents and parishioners of St Mary's Whitchurch

Of: 12 Crimscote
Stratford upon Avon, Warwickshire
CV37 8UE

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 Birchfurlongs Cottages Crimscote Grid Ref. SP232478 **to** St Mary's Whitchurch Grid Ref. SP226486

~~**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

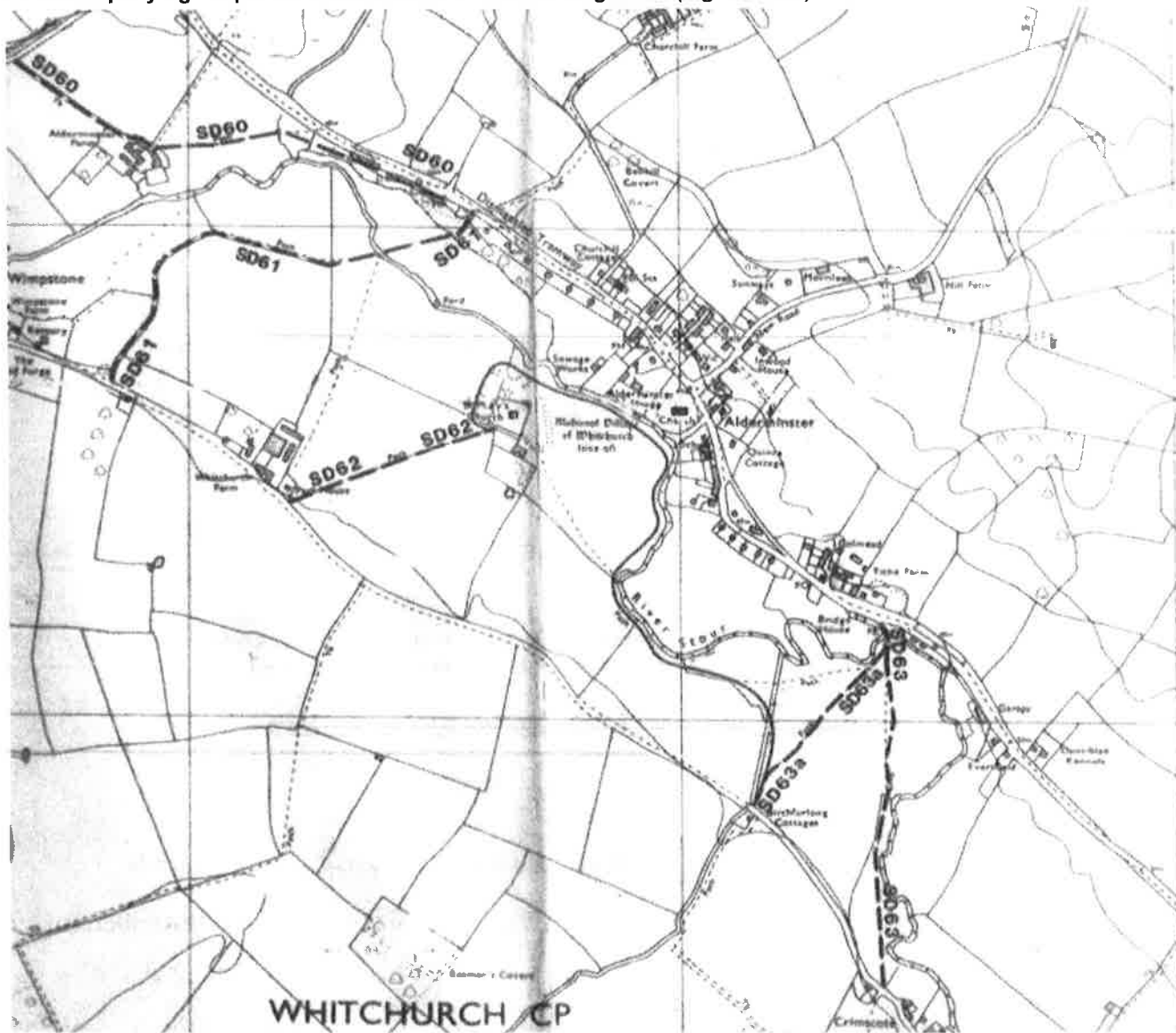
** delete as appropriate*

and shown on the map [attached below, route marked in red] accompanying this application.

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

Signed *Paul Chillingworth* Dated 16 November 2023

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



Please see overleaf

DMMO Application Form (Form 1) v1 April 2013

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

Documents _____ (number of pages attached)

We offer citations here to documents produced by the Ramblers' Association in August 2005 (their ref: SD141; WCC ref MZ601), making their claim to adding this route to the Definitive Map.

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 4 see attachments below

See also attached **Appendix**, a series of photographs illustrating the churchway as of November 2023.

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) ___15___ (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)

We rely on documents cited in the Ramblers' application of August 2005 (their ref. SD141; WCC ref MZ601) for the addition of this public footpath to the Definitive Map of Warwickshire, viz:

- 1) The claimed path is first recorded on an estate map of 1810 (County Record Office CR936 (on shelf)). This map shows all the paths outside the area of common open fields, including the existing, recorded, path to the church (SD 62) by pecked lines. It also shows a short section of the claimed route (our ref. SD Claim 144) in the common field area.
- 2) The eastern section of this route was specifically created by the "Whitchurch Inclosure Award 1869 (CRO OS75/127). The text describes it as a "Public Footway 4ft wide 8 on the map from Preston and Crimscote Road north east along the boundary of the Hamlet of Crimscote ' to a point opposite Birchfurlong Cottages at OS ref 231478..
- 3) The Tithe Apportionment Map for Whitchurch (Altered) 1873 (CR569/262) shows the same route as on the estate map of 1810, but with the whole length of the awarded path as well. It is considered that the awarding of the path and its depiction on this Tithe Map firmly establishes that the claimed route is a public path.
- 4) The whole route is continuously shown on all subsequent large scale Ordnance Survey maps from the first edition of the 6 inch ma of 1884 (sheet 50NE), where it is labelled 'fp', onwards.
- 5) The forms for the 1910 Finance Act for much of the county have not been sorted in to parishes and therefore are not available.
- 6) The creation of part of the claimed route by the Inclosure Award, and the showing of the whole route on the Tithe Map, is almost the same evidence as was accepted in a successful case in North Warwickshire and, therefore, it is considered that there is more than sufficient evidence to reasonably allege that this path subsists as a public right of way,
- 7) There is no record of this path being legally closed or diverted, either at Quarter Sessions or subsequently.

We note that our application establishes a footpath that deviates from the historic routes defined above and marked on OS maps in pecked lines. We explain the deviation in our application, forced upon us by obstruction of the historic route at several places. We claim the route marked in red on our map by continuous usage over thirty-five years. In asserting our right to walk this