

My ref: NPW/CR/SM115



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Warwickshire County Council
Countryside Recreation
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28 July 2008

Dear Sirs

Application to Upgrade public footpath SM115 - Priors Hardwick - to the status of a Restricted Byway

On behalf of Countryside Recreation, I am recording the intention that Warwickshire County Council intends to make a Definitive Map Modification Order to upgrade public footpath SM115 in the Parish of Priors Hardwick, to the status of a Restricted Byway i.e. open to pedestrians, equestrians, cyclists and horse drawn vehicles, but not to motor vehicles.

The route runs between the southern end of the D2414 Redhouse Farm Road at grid reference 446524 / 258033, generally southwards for approximately 1260 metres to its junction with the E2997 at grid reference 44562/256842.

The evidence supporting this proposal is attached on separate sheets, with a map of the route.

Yours faithfully

A handwritten signature in black ink, appearing to read "P. Williams", with a long horizontal line extending to the right.

P. Williams
Definitive Map Team Leader

Unclassified County Road, E2414 Red House Farm Road and Public Footpath SM115.

Documents examined by Marion Borman, Definitive Map Review Officer, Warwickshire County Council, March 2008.

NOTES

Warwickshire County Records Office

The bold reference numbers below indicate that the document may be viewed at Warwickshire's County Record Office, Priory Park, Cape Road, Warwick, CV34 4JS. The Record Office is open Tuesday-Saturday.

Tuesday: 9am-5.30pm
 Wednesday: 9am-5.30pm
 Thursday: 9am-5.30pm
 Friday: 9am-5pm
 Saturday: 9am-12.30pm
 Sunday: Closed

If you have not used the Record Office before and would like to view the documents, you will need to bring with you some identification showing your name, address and signature, i.e. a driving licence). For further, please contact the Record Office on 01926 738959.

E2414 Part 1, E2414 Part 2 and SM115

E2414 Part 1 runs between D2414 and E2997.

E2414 Part 2 runs between E2997 and the village of Priors Hardwick.

SM115 runs between E2997 and D2414.

Inclosure and Tithe Documents

Priors Hardwick Inclosure – 1758 QS/75/55

There is no map with the Inclosure document but a plan was drawn up from the information contained within the Inclosure. This indicates that E2414 Part 2 and SM115 was set out as a public highway from Priors Hardwick to Southam for use with carriages, on foot, with horses and cattle. The width of this highway was to be 40 feet.

No public highway rights were set out over E2414 Part 1.

Priors Hardwick Tithe – 1846 CR0569/124

The northern end of SM115 and E2414 Part 1 are shown on the Tithe Plan although only a small section of E2414 Part 1 is within a titheable plot. E2414 Part 1 is labelled as a footpath. It is clear following the route of this footpath through the rest of the Plan that although it corresponds at its northern end with E2414 Part 1, it deviates significantly from it as it runs south and joins back onto the route of SM115. SM115 is shown, where it touches a titheable plot, as coloured brown in the same way as other public roads. SM115 does not fall within a titheable plot. Part of E2414 Part 2 is coloured brown in the same way as other public roads.

Ordnance Survey Maps

CS2500 1st Edition 1881–1890

E2414 Part 1 is indicated as a footpath, starting at the north by the farm buildings at its current junction with SM115, and terminating at the canal. E2414 Part 2 is shown but not labelled as a footpath or bridleway.

CS2500 2nd Edition 1900–1905

E2414 Part 1 is indicated as a footpath, starting at the north by the farm buildings at its current junction with SM115 and terminating at E2997 Priors Marston Road. E2414 Part 2 is shown but not labelled as a footpath or bridleway.

CS2500 3rd Edition – 1913–1927

We only have a plan showing part of SM115 and Part of E2414 Part 1 and these are shown as per the CS2500 2nd Edition.

CS10560 1st Edition – 1884-1897

E2414 Part 1 is indicated as a footpath, starting at the north by the farm buildings at its current junction with SM115 and terminating at a field boundary slightly to the north of the canal bridge. E2414 Part 2 is shown but not labelled as a footpath or bridleway.

CS10560 2nd Edition – 1900-1906

E2414 Part 1 is indicated as a footpath, starting at the north by the farm buildings at its current junction with SM115 and terminating at E2997 Priors Marston Road. E2414 Part 2 is shown but not labelled as a footpath or bridleway.

CS10560 3rd Edition – 1919-1930

We only have a plan showing part of SM115 and Part of E2414 Part 1 and these are shown as per the CS2500 2nd Edition.

Legislation and the corresponding maps/

Finance Act 1910 Map and Assessment

E2414 Part 1 and Part 2 is indicated on the base map as a footpath but is not shown as excluded from the plots. Part 1 is shown as running through plots numbered 164 and 179. There appears to be no deduction for a right of way in the associated Assessment.

Handover Map – 1929

The 1929 Handover Maps record those highways maintainable at public expense for which the maintenance liability was transferred to the County Council under the provisions of the Local Government Act 1929. D2414 and E2414 Parts 1 and 2 are coloured. The route is numbered 92 and is thus regarded as a highway maintainable at public expense. The most northern section (Welsh Road to the farm buildings, D2414) has a hand drawn comment by it indicating that it was metalled and the rest a hand drawn comment indicating it as unmetalled.

Priors Hardwick Parish Survey – 1932

The Parish conducted the survey in response to the Rights of Way Act 1932. E2414 Parts 1 and 2 are indicated in red along with D2414. The Parish Council did not specify whether they considered these routes to be a public footpaths, bridleways or road. They did not claim SM115.

Priors Hardwick Parish Survey – 1950

The Parish Survey was carried out in response to the National Parks and Access to the Countryside Act 1949. It was conducted by the Parish and the return sent to the County Council after approval by the Parish Council. E2414 Part 1 is not indicated but SM115 is drawn on in red and indicated as a CRF (Road used a Public Footpath). E2414 Part 2 was shown and claimed as a CRF.

Definitive Map - 1960s

The first Definitive Map was drawn up as a result of the National Parks and Access to the Countryside Act 1949, the purpose being to create a legal record of all Public Rights of Way. It went through 3 stages: Draft (and Modified Draft); Provisional; and Definitive, and was open to the public to comment on or object to at that time. At all three stages E2414 Part 1 was not indicated as a footpath, bridleway or RUPP (Road Used as a Public Path). SM115 is indicated as a CRF on the Draft and Modified Draft but then becomes a footpath on the Provisional and Definitive Map. E2414 Part 2 was not shown during the preparations of the Definitive Map.

Quarter Sessions Records – Highway Diversions from 1778- **QS/47**

No records of a public highway being stopped up or diverted by the Courts that could relate to E2414 or SM115.

Historical Maps

Cary – 1811 **MA1811**

E2414 Part 1 is not shown on the map but it would appear that SM115 is indicated as a road, together with E2414 Part 2.. However the map is not cartographically precise.

Colby

The route shown as a road appears to be that of SM115 and E2414 Part 2. E2414 Part 1 is not shown.

Cruchley (date unknown)

The route shown as a road appears to be that of SM115 and E2414 Part 2. E2414 Part 1 is not shown.

Pigot - 1831 **MA1831**

The route shown as a road appears to be that of SM115 and E2414 Part 2. E2414 Part 1 is not shown.

Smith – 1808 **MA1808**

A road is shown in the general area of SM115 but not far enough west to be that of E2414 Part 1. The road continues south along what is considered to be E2414 Part 2.

Haywood/Harrison – 1788 MA1788

No route of any description is shown along the alignment of SM115 or E2414 (Parts 1 and 2).

Cary – 1805 MA1805

No route of any description is shown along the alignment of SM115 or E2414 (Parts 1 and 2).

Cary – 1787 MA1787

No route of any description is shown along the alignment of SM115 or E2414 (Parts 1 and 2).

Dix – 1820 MA1820

It is difficult to locate routes precisely on the map but it appears that the northern end of SM115 is shown but E2414 Parts 1 and 2 are not. SM115 is shown as a road.

Greenwood – 1821/1822 MA1822

The route shown as a road appears to be that of SM115 and E2414 Part 2. E2414 Part 1 is not shown.

Greenwood – 1830

No route of any description is shown along the alignment of SM115 or E2414 (Parts 1 and 2).

Henry Beighton – 1750 CR3878

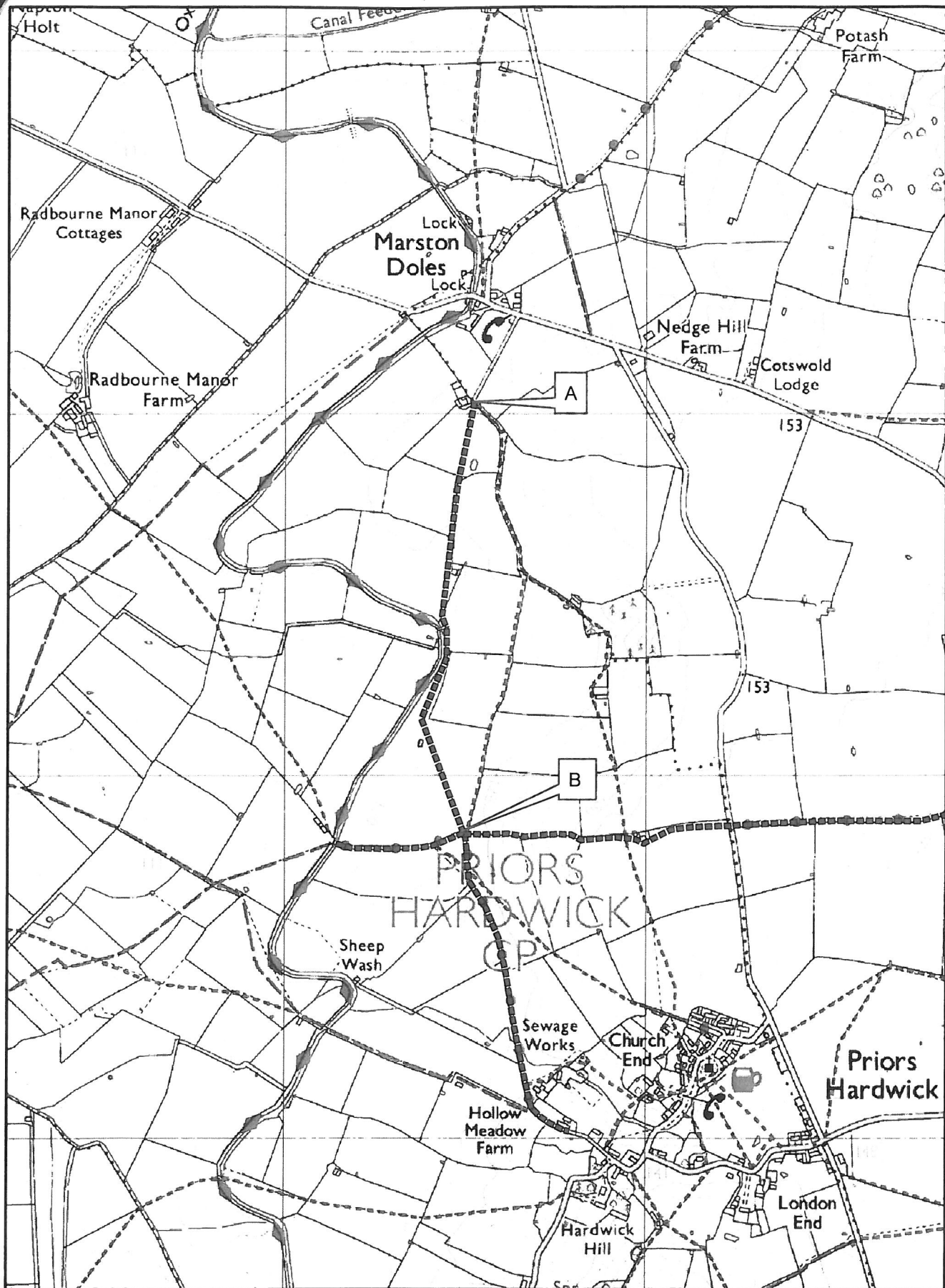
There is no evidence of a route on the map for SM115 or E2414 Parts 1 and 2.

Walker – 1836 MA1836

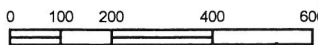
There is no evidence of E2414 Parts 1 and a route is shown in the area of SM115 which appears to fit reasonably well the shape of SM115. SM115 and E2414 Part 2 is shown as a road.

Weller – post 1861 QS23/11

The route shown as a road appears to be that of SM115 and E2414 Part 2. E2414 Part 1 is not shown.



E2414
 A-B = part 1
 South of point B = part 2

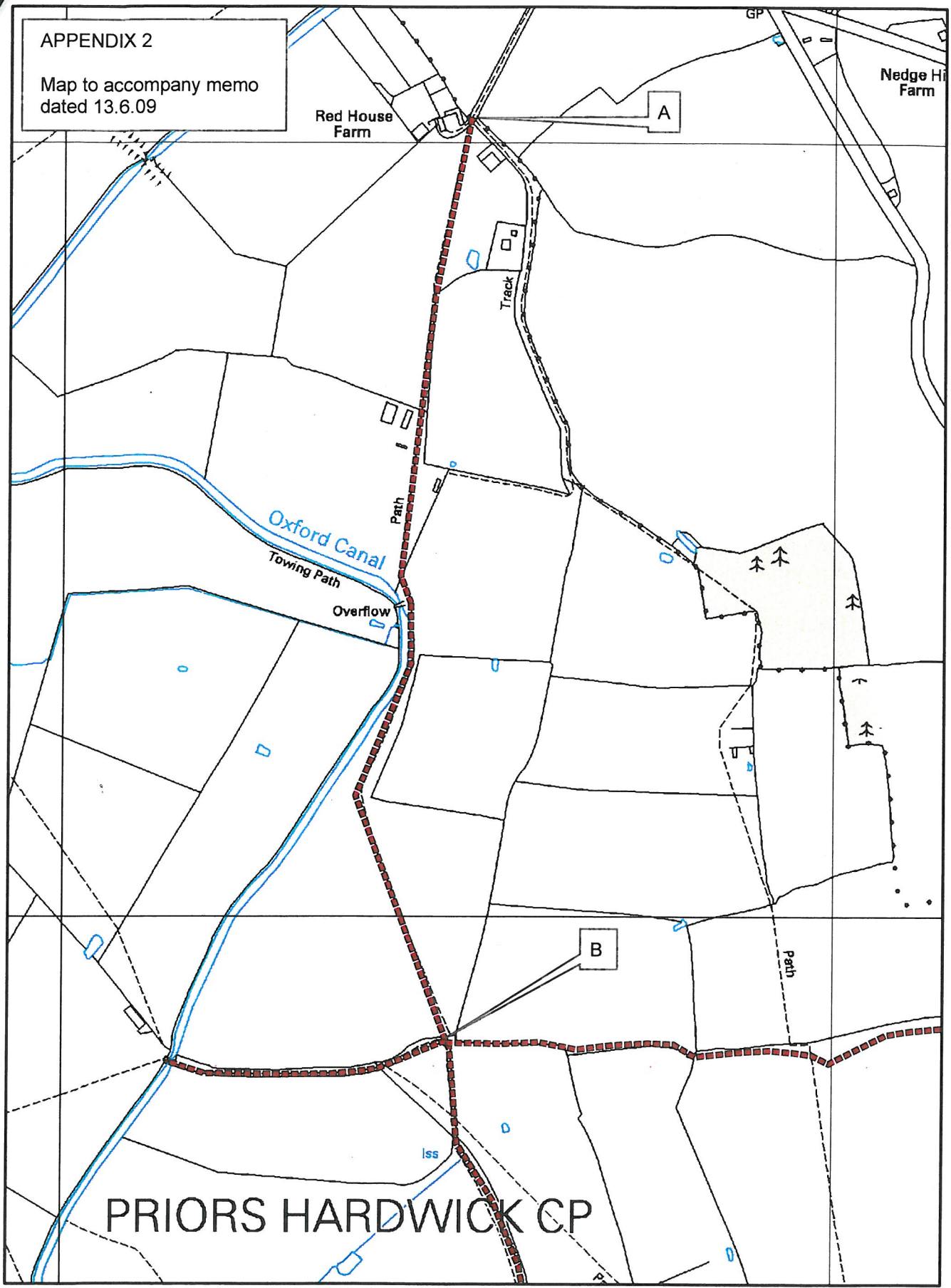


1:15,000

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APPENDIX 2

Map to accompany memo dated 13.6.09



E2414 to be deleted from the List of Streets and Centreline records (between points A and B ONLY)



1:7,000

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