



Warwickshire
County Council

Planning Transport & Economic
Strategy, PO Box 43, Shire Hall,
Warwick, CV34 4SX

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

form

C

Application for Modification Order to ADD a Route to the Map

Applicant's Full name *Ramblers Association, Warwickshire Area*
Address *40 Sawallsgrove*
20 Priority Road
Town *Warwick* Postcode *CV34 4NA*
Daytime Tel:
Occupation Date of Birth

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 **Adding** the following route as a -

Public Footpath / ~~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 at several points if it varies. If possible give an Ordnance Survey 8 figure grid reference for the start and finish of the route.

Grid References:

Start.....*SP 201 509*.....Finish.....*SP 202 509*.....

Description :

From the south end of SD526 south-south-east to the right angle bend in SD56 crossing the footbridge over the ditch at this end

Signed: *B Sawallsgrove*

Claim No.

Office use only

Date: *13/3/05*

Please see overleaf

Making your Application

Note on this application form all the documents you are using as evidence, attach copies if possible and 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:

- ◆ **Form A** - *Notice of Application for Modification Order*

Return your completed application to the County Council. This should include:-

- ◆ A copy of this form (**C**)
- ◆ A copy of form (**B**), *Certificate of Notice of Application for Modification Order* -, listing the owners / occupiers to whom you sent a copy of Form A
- ◆ Evidence - documents, plans, photographs (if applicable)
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,
Countryside Recreation,
Unit 11, Montague Road,
Warwick, CV34 5LW.
Telephone: (01926) 413421 or 413415

Evidence in support of your claim -

Documents _____ (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 _____ (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 (G) _____ (number attached)

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

Briefly, why do you believe this route is a public right of way ?

The route forms part of a longer route
and is shown on all estate and
Ordnance Survey maps

List your evidence and references

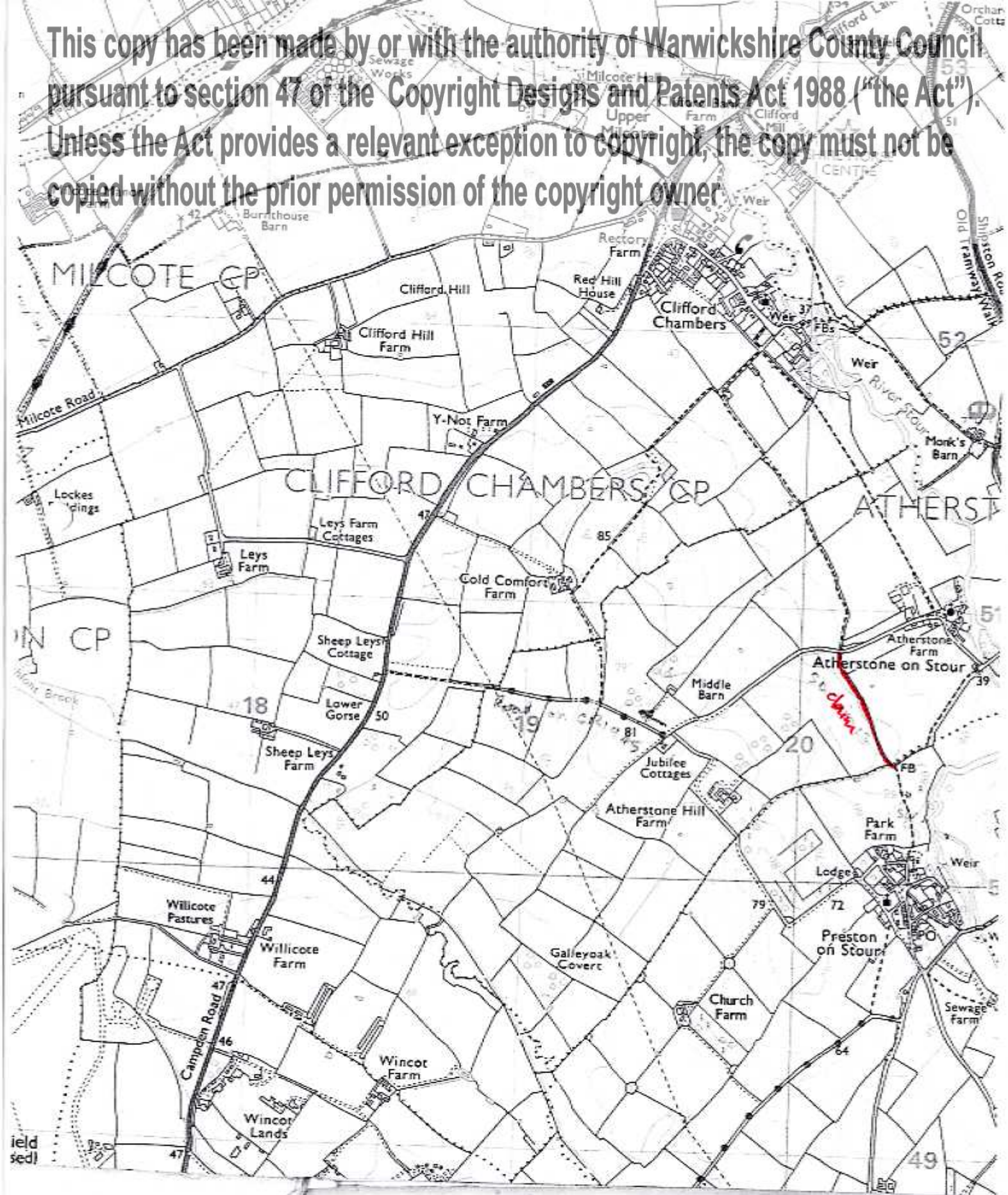
see attached, typed, statement of
evidence

please add a separate sheet if you need more space

Statement of Evidence for RA ref. SD Claim 13

- 1) The claimed section of path is first shown on the earliest estate map of Atherstone Hill Farm, which is dated 1738 (County Record Office CR1945). The estate was owned by the Rev. Dr Thomas and the map shows the path coloured (the same as all the roads which formed the boundaries, these roads all being public highways on present day records). It also shows gates at the north end (from the road), in the middle (between parcels 22 and 23), and at the south end, on the parish boundary.
- 2) The two maps of the Devaynes estate do not show any paths, with one map (said to be 1806/7) being very faded and almost unreadable (County Record Office ref. P34). The other copy (said to be c.1811) is readable (CR936/Box14/1).
- 3) The next map (watermarked 1823) shows the estate of James Robert West of Alscot Park (CR936/Box14/2). This shows the path north/south through Alscot Park (SD56 on the Definitive Map) which is labelled "From Stratford upon Avon" at the north end (over the parish boundary) and "To Preston" at the south end (outside the edge of the park). The section of path SD56 going north-east along the parish boundary is not shown on this map and this strongly suggests that the claimed route is the original path, with the omitted part of SD56 being a later creation.
- 4) The map of Atherstone Hill Farm (watermarked 1839) (CR936/Box14/3) is simply described as an 'estate in Atherstone, the property of James R. West'. It shows the claimed path as a pecked line with a gate off the road at the north end, a second gate into the next field, and what appears to be a bridge over the ditch at the parish boundary, into Alscote Park, at the south end.
- 5) The 1/2500 scale Ordnance Survey map of 1885 (CR936/Box14/5) in the estate collection has the roads, buildings, and water coloured and shows the southern half of the claim labelled 'FP' (footpath) with 'FB' (footbridge) on the parish boundary.
- 6) The submission under the 1910 Finance Act shows, on the 'Forms 37: land', that £130 was claimed for a deduction for "Public Rights of Way or User" (CR1974: Atherstone on Stour hereditament No.11). The only public rights of way across the estate are the road by the farm complex (diverted from its original route, at some time) and the claimed path.
- 7) The route is shown on all subsequent Ordnance Survey maps.
- 8) It is submitted that its showing on all the estate maps, and the Ordnance Survey maps, confirms its long term importance, while the omission of the north-east section of SD56 clearly suggests that the claimed path was, and is, public, being part of a much longer route. There is no record of any closure of this section of path.
- 9) In addition, a bridge still exists over the ditch at the parish boundary and it has been said that it was constructed by the County Council, although there is no apparent documentary evidence for this.

This copy has been made by or with the authority of Warwickshire County Council pursuant to section 47 of the Copyright Designs and Patents Act 1988 ("the Act"). Unless the Act provides a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner.



Stratford-upon-Avon