



Warwickshire
County Council

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

M2331RA
(S1,31,11)

form

C

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

**Application for Modification Order
to ADD a Route to the Map**

Applicant's Full name *Ramblers Association (Warwickshire Area)*
Address *of* *56 Wallsgrove*
26 Priority Road
Town *Warwick* Postcode *CV34 4ND*
Daytime Tel: _____ Date of Birth _____
Occupation _____

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.....*S.P.162680*.....Finish.....*S.P.163663*.....

Description :

From Camp Lane generally south along Edge Lane to Kite Green

Signed: *56 Wallsgrove*
Claim No.

Office use only

Date: *8/8/06*

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 is shown on the tithe
maps and named as a road on
the railway plans

List your evidence and references

see attached, typed, statement

Statement of Evidence for RA Claim SD15

- 1) Edge Lane generally follows the parish boundary between Preston Bagot, Beaudesert and Wootton Wawen and is shown on the relevant estate maps. The first of these is of the Lord Leigh Estate in 1767 (County Record Office Z149(L-sep)). Map 12: Preston Bagot shows the section north from Kites Green on the boundary of the estate, with a path leaving it to cross two fields to the south of Hungerfield Farm. This path now forms part of the Heart of England Way.
- 2) There are two maps of the property of Kings College, Cambridge, to the west of Kyte Green. The earliest (c.1776) does not show Edge Lane (Z190/4(u)), although it is the boundary of the holding. The second map is dated 1800 and the inset for Whitley Farm (Z190/5(u)) shows the lane and labels it as "to Leveredge Hill" on the north and "from Preston Green" to the south of Kyte Green. The path now forming part of the Heart of England Way is shown as crossing the estate "From Henley" upto Edge Lane and then continuing (slightly to the north) from the lane "To Bushwood Common". The fact that the path stops and starts at the lane supports the implied public nature of the lane (created by its "to" and "from" descriptions) and this is strengthened by the fact that the path is not a direct cross-over.
- 3) The Tithe Apportionments of these three parishes all show Edge Lane. The earliest is that for Preston Bagot, 1839 (CR569/192). This shows even the parts in Beaudesert and Wootton Wawen where they form the boundary, the part in Preston being coloured in the same way as all the other roads in the parish. Edge Lane, and its continuation to the south (Kite Green) and beyond, and then west towards Whitley Farm, is numbered 22 on the map. The Book of Reference simply describes this (and the others) as "Road", with no tithe payable.
- 4) The Tithe Map for Beaudesert (1841) (CR569/23) again shows Edge Lane coloured, as all other roads in the parish. Neither this lane, or any of the other roads, are numbered and none are mentioned in the Apportionment itself. They could not, therefore, have been liable for tithes which suggests they were all public highways.
- 5) The Tithe Map for Wootton Wawen, c.1843 (CR569/278 pt. 4) also has all the roads, including Edge Lane, coloured and not numbered (except for a few, short, ends of culs-de-sac). This again suggests that they were public, including Edge Lane.
- 6) In 1859 the first of a series of proposals for a Henley in Arden railway were deposited at Quarter Sessions (QS111/234). This shows the parish boundary between Preston Bagot and Beaudesert as going down the middle of Edge Lane, with both sides being described as "road" in the Book of Reference, with the owner as including the Surveyor of Highways. The drawn section shows and labels it as "Road level unaltered" 59 feet above the proposed railway, clearly indicating that the road was not to be closed. A similar proposal in 1860

(QS111/240) used the same route and numbering as in the above proposal, and gives the sole owner as the Surveyor of Highways, with no occupier.

- 7) A variation to the proposed railway, in 1872 (QS111/329), describes the line of Edge Lane as “Part of site of a road dissected by uncompleted railway cutting”, with the owner as still including the Surveyor of Highways. This is repeated in the proposals for the Henley in Arden and Gt Western Junction Railway 1883 (QS111/404). These clearly show that the road has not been closed since, otherwise, the Surveyor of Highways would not be listed as an owner.
- 8) This is further supported by the fact that the land registry shows a break in the field ownership for the line of Edge Lane.

Ref. DefMapSch9Jul02.1

Schedule 9

Form of Certificate of Service of Notice of Application for Modification Order

Wildlife and Countryside Act 1981

Title of Map: *Warwickshire Definitive Map*

Certificate of Service of Notice of Application for Modification Order

To: *Warwickshire County Council (Countryside Recreation)*

of: *Unit 11, Montague Road, Warwick CV34 5LW*

We, the Ramblers Association, Warwickshire Area
c/o S. G. Wallgrove, Area Footpath Secretary, 26 Priory Road, Warwick CV34 4NA

~~hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and
Countryside Act 1981 have been complied with.~~

Are unable to comply with the requirements of paragraph 2 of Schedule 14 for the following
reason(s):

*The claimed Lane is excluded from the
adjoining fields, as shown on the Land
Registry, and the land of the remaining
principle landowner*

Dated: *8/8/04*

Signed: *S G Wallgrove*

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EB
21/4/2004

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