



Warwickshire  
County Council

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

form

C

Planning Transport & Economic  
Strategy, PO Box 42, 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 5 G Wallsgrove, ~~the~~*  
*26 Priory Road*  
 Town *Warwick* Postcode *CV34 4NA*  
 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.....*SP 162 661*.....Finish *SP 164 660 (branch) + SP 165 655*

Description :

*lane from Whitley Farm, Kite Green generally south-east and south to the junction of paths SD 207b/SD 207a - with branch to SD 207b at Far Acre*

Signed: *SG Wallsgrove*  
Claim No. \_\_\_\_\_

Office use only

Date: *8/8/04*

**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 lane is on the Tithe Maps  
as a road

List your evidence and references

see attached, typed, statement

*please add a seperate sheet if you need more space*

Statement of Evidence for RA Claim SD 76

- 1) The earliest reference to this lane is in the Wootton Wawen Inclosure Award of 1776 (County Record Office QS75/136). There is no map with this Award, however, but there is an estate map showing the situation immediately after the Award (CRO : Z190/4(u)) in this part of the parish, as well as a reconstruction of the whole Award made in 1904 (Z373/4(u)).
- 2) The estate map shows the estate of the Provost and scholars of Kings College, Cambridge at Whitley. The map shows the whole of the road network (including the present claim) coloured, with no subdivision, as well as the names of the old, and ancient, inclosures and the names of adjoining owners.
- 3) One of the allotments in the Award, namely that to Thomas Ward (starting at line 188), is described as having the road from Preston Green to Kite Green on the north, with Preston Green on the north-west side. These are part of the claimed route and are shown on the above estate map. They are specifically excluded from the landholding, thereby implying their public nature.
- 4) Another estate map, dated 1800 (Z190/5(u)), of the same estate, also shows the road network (including the claimed route), this time uncoloured since it did not form part of the ownership, with the south-east end labelled "To Preston". These points both imply the public nature of the route.
- 5) The Tithe Apportionment for Preston Bagot parish (1839) (CR569/192) shows most of the claimed route as being outside, but adjoining, the parish. The part within the parish is numbered '22' (north end) and '197' (south end). The Book of Reference lists these, with the present day roads, as "Roads" with the owner and occupier given as Sir E. J. Smythe (the Lord of the Manor), and no tithe being payable. This shows that all the roads were considered to be part of the waste of the manor, which is normal since public highways were a special type of waste.
- 6) The Tithe Apportionment for Wootton Wawen parish (1843) (CR569/278 pt.4) omits the lane from Whitley Farm generally south-east to the Henley Road as being outside the parish (i.e. it was believed to be outside both parishes). The section along the north side of Whitley Farm, however, is shown coloured and unnumbered, as part of the public road network.
- 7) The whole route is shown on all subsequent Ordnance Survey maps and is currently bounded with hedges and trees on both sides, some ponded areas in the track, and no visible evidence of use by horses or vehicles along it. It is also excluded from all registered land and from the other principal landholding, which lies on its west side.

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 lane is excluded from the adjoining ownerships,  
as shown on the Land Registry and by the  
adjoining principal landowner

Dated: 8/8/04

Signed: S G Wallgrove

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

EB  
21/4/2004

RA76

