



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

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 *c/o SA Wallsgrove*
26 Priory 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 31586088* Finish... *SP 32946156*

Description :
From path W114, Bishops Tachbrook generally east to Highdown Farm then generally north-east to Harbury Lane

Signed: *SA Wallsgrove*
Claim No. _____

Office use only

Date: *28/8/03*

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 (with a variation at the west end)
is shown on most large scale maps and
a public path was claimed across Highdown
Farm under the 1910 Finance Act

List your evidence and references

see attached, typed, statement of evidence

N.B. statements I 48, 150 to 154 already
submitted with claim RA ref W.D.Claim 17

Statement of Evidence

- 1) The claimed route is first shown on the estate map of 1836 (County Record Office CR1886/M36), namely from the accommodation road to Lowdown Farm (which has also been claimed as a public path, to SM66a) east to Highdown Farm and then along the access road north-east to Harbury Lane. Almost all the paths shown on this map are now recorded as public paths on the Definitive Map or are the subject of claims. (Claims for the others have not been submitted only due to the lack of sufficient supporting evidence.)
- 2) The route (with a slight omission at the west end) is also shown on the Tithe Apportionment Map of 1844 (CR569/236) where it is labelled as a footpath (as with all other paths). While it is accepted that the purpose of this map was not to record public rights of way, the close correlation of the paths shown on it to those shown on the earlier estate map and the Definitive Map of public rights of way clearly indicates that the paths shown were considered to be significant features in the parish. The implication of this is that the recorders wanted to ensure that the paths were protected and were considered to possibly affect the tithe value of the land, as with public roads, which were not subject to tithes at all.
- 3) The route is shown on all large scale Ordnance Survey maps from the first edition onwards.
- 4) The information submitted under the 1910 Finance Act shows that Highdown Farm (hereditament number 154 in the parish) was 286 acres 3 roods 13 perches in area and a reduction of £20 was claimed for "public rights of way and user" (CR1974 form for this holding). Since the only path shown on the holding is the present claim path, and its length is similar to that on Wiggerland Wood Farm (which also claimed a £20 reduction) and Asps Farm (which claimed a £25 reduction) it is considered that this reduction shows that this path was considered to be public at that time.
- 5) The documentary evidence is also supported by 7 statements from elderly local residents, all obtained in 1977 (see RA refs. I48, and I50 to I54).

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