



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

form  
**1**

**Application for a Modification Order**

Rights of Way, Communities,  
PO Box 43, Shire Hall,  
Warwick, CV34 4SX

To: **Warwickshire County Council**  
Of: **PO Box 43, Shire Hall, Warwick, CV34 4SX**  
I/We: **Marston Sicca Parish Council**  
Of: **Loxley Cottage, Long Marston CV37 8RH**

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

~~Deleting \* the Footpath / Bridleway / Restricted Byway / Byway Open to all Traffic \*~~

~~from ..... to .....~~

~~Adding \* the Footpath / Bridleway / Restricted Byway / Byway Open to all Traffic \*~~

from C46 Long Marston Rd (A) to join the current end of SD40 (B)

~~Upgrading / Downgrading \* to a Footpath / Bridleway / Restricted Byway / Byway Open to all  
Traffic \* the Footpath / Bridleway / Restricted Byway / Byway Open to all Traffic \*~~

~~from ..... to .....~~

~~Varying / Adding to \* the particulars relating to the Footpath / Bridleway / Restricted Byway /  
Byway Open to all Traffic \*~~

from C46 Long Marston Rd (A) to a point 130m from C46 Long Marston Rd (D)

by providing that The width and position are correctly recorded

*\* delete as appropriate*

and shown on the map accompanying this application.

I/We attach copies of the following documentary evidence (including statements of witnesses)  
in support of this application (see overleaf \*\*).

Signed [Redacted] Dated 11/01/2016  
*VICE CHAIRMAN*

The accompanying map must be at a scale of 1:25000 or greater (e.g. 1:10000)

(L. KIENER)  
[Redacted]  
*(J. MATTHEWS)*  
*ACTING CLERK*

*Please see overleaf*

**\*\* Evidence in support of your claim -**

**Documents** 6 (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** 8 (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 (Form 4)** 11 (number attached)

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

**List your evidence and references** (continue on a separate sheet if necessary)

Map 1 - OS 1:2500 map series A5 - held by WCC (from maps.warwickshire.gov.uk)

Map 2 - Aerial Photo 1999/2000 - held by WCC (from maps.warwickshire.gov.uk)

Map 3 - Aerial Photo 2005/6 - held by WCC (from maps.warwickshire.gov.uk)

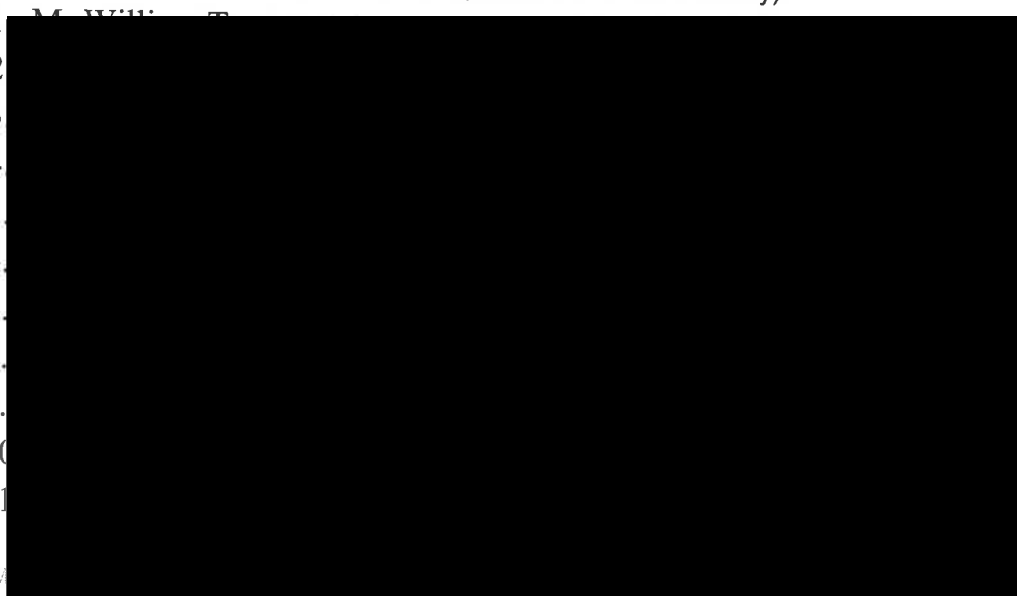
Map 4 - Aerial Photo 2012/13 - held by WCC (from maps.warwickshire.gov.uk)

Map 5 - From the Deeds of 3 Hopkins Field c. 1997 (held by M Bruce, 3 Hopkins Field)

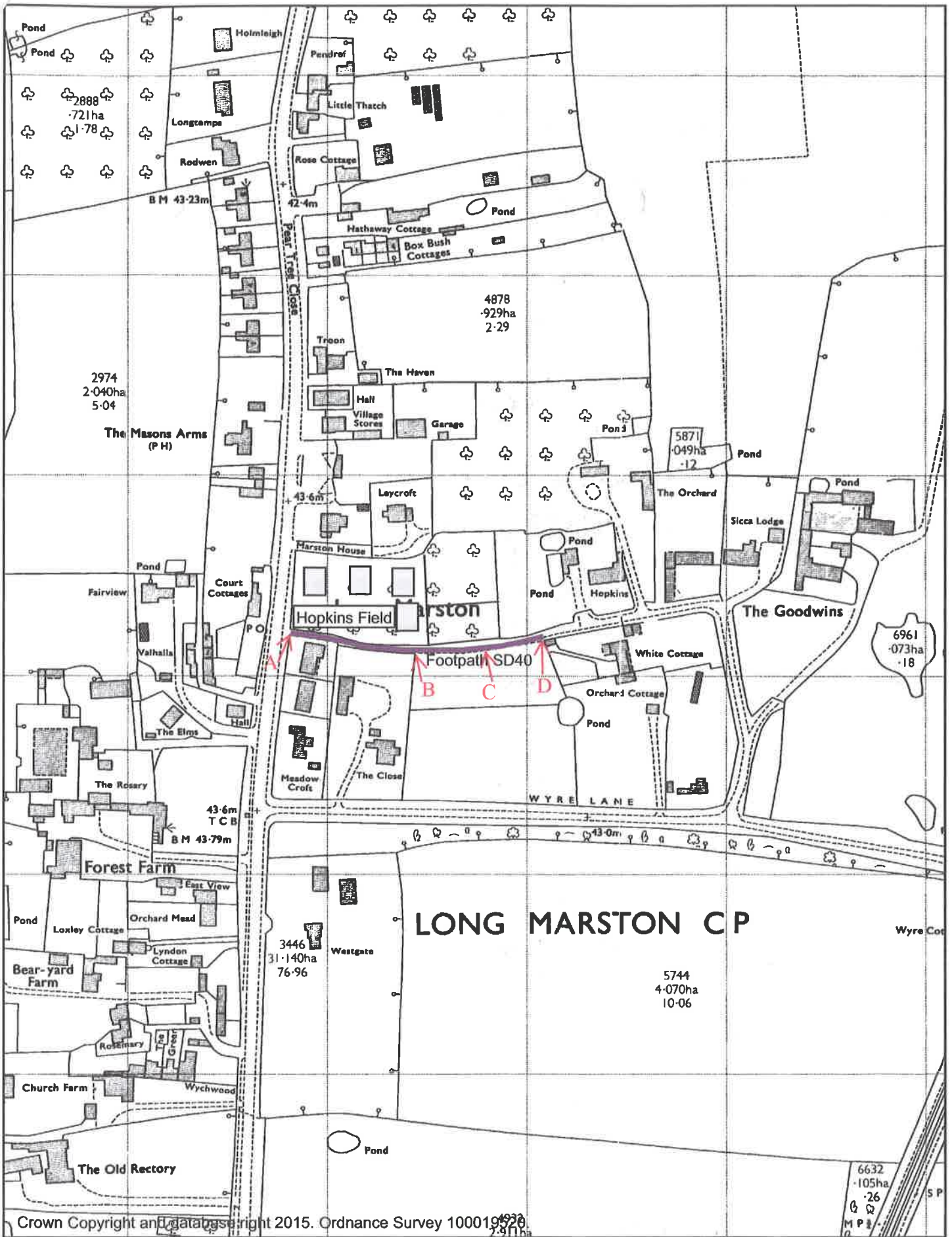
Map 6 - plan and flyer from auction sale in 1878

**List your witnesses** (continue on a separate sheet if necessary)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11



Additional Forms to Follow



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<p><b>Maps from Warwickshire County Council</b></p>	<p>2015-12-29</p>	<p>N.B. Hopkins Field houses and boundaries added to indicate current situation but are NOT TO SCALE</p>
<p>Application Map - SD40</p>	<p>0 50 100m</p>	<p>Warwickshire County Council Shire Hall, Warwick, CV34 4RL Telephone: 01926 410410 www.warwickshire.gov.uk warwickshiredirect @warwickshire.gov.uk</p>
<p>— Footpath to be recorded in the Definitive Map and Statement with details as to width &amp; position</p>		



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

form  
**1a**

**Application for a Modification Order  
(Supplementary Information)**

Rights of Way, Communities,  
PO Box 43, Shire Hall,  
Warwick, CV34 4SX

**Name:** Joan Matthews, Acting Parish Clerk, on behalf of Marston Sicca Parish Council

**Address:** Loxley Cottage, Long Marston CV37 8RH

The purpose of this form is to gain as much information about the route claimed as possible. Please complete the following sections in as much detail as you can.

**1. Please explain why you believe the Definitive Map and Statement should be modified, for example, why you believe the route should be added to the map or should be upgraded.**

The footpath has been used continually in living memory of villagers (going back 70+ years). It has been clear on old maps and aerial photos, as well as having been signposted with an oak finger post for a considerable time. For some reason it was not fully recorded as a Public Footpath, and the width was never recorded at all.

From A to B the footpath has run between property boundaries. This section is not currently shown in the Definitive Map and Statement.

From B to D the footpath has run through a grassed paddock. This section is shown in the Definitive Map and Statement, but no width is recorded. A current planning application is attempting to move the footpath into a narrow strip right up against the fence to the north. However, this is not the route which is/has been used, and nor is it the route shown on old aerial photos and maps. In particular the walked route through the paddock varies according to season and grass growth, and the waymarker post in the path is a good 3+ metres from the fenceline. In particular, near point D, the boundary is a large Leylandii hedge which grows out at least one metre into the paddock.

We believe that the footpath should be recorded with a width of at least 3 metres between B and D.

**2. Please describe the route carefully:**

On the main road through

i) Start point the village ..... Grid Reference 415381 248624 .....

ii) End point at the far side of the paddock,  
about 130 metres from the Grid Reference 415508 248621  
main road

iii) Are there any gates / stiles / bridges? Please describe where (it would be helpful to mark them on a map).

There is an unlocked foot gate (with a stile adjacent to it) where the path enters the paddock, at the start of the recorded section of SD40.

There is an unlocked gate at point D where the path leaves the paddock

iv) Can the route be used today? Yes

If not:

- what prevents access along the route – please mark the locations on a map.

- are you aware of when any obstruction occurred?

v) Are there are any signs / notices on the route? Yes

If yes:

- please mark their location on a map.

- in what year did the notices appear?

- what do they say?

There is a timber finger post at the main road. (point A)

There are waymark discs on the gate. (point B)

There is a waymark post part way through the paddock. \*(point C)

There are waymark discs where the path leaves the paddock (point D)

vi) What is the surface type of the route? It would be helpful to mark it on a map.

The first 60 metres (to point B) is crushed stone laid over a geotextile. Until mid-December this was a trodden muddy path between hedges.

The next 5 metres or so is boggy mud where heavy machinery has been used and turned

The remaining 65 metres is a grassy paddock.

Signed:

[Redacted Signature]

L. KIENER (VICE CHAIRMAN)

Dated: 11/01/2016

[Redacted Signature]  
/ J. MATTHEWS (ACTING CLERK)