



**Warwickshire**  
County Council

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

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

form  
**1**

**Application for a  
Modification Order**

**To: Warwickshire County Council**

**Of: PO Box 43, Shire Hall, Warwick, CV34 4SX**

I, Sukhwinderjit Singh Sanghera

**Of: Dunbar House, Southam Road, Radford Semele, Warks. CV31 1TZ**

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 .....to.....

**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 \* W123, eastern section, Parish of Radford Semele, Warwickshire.

**from**...the junction with FP W122C @ the western boundary of the above address

**to:** its eastern termination point on the A425.....

**by providing that** ...The path currently incorrectly shown on the accompanying map by  
the broken line A—B be moved to its correct position shown on the map by the solid black  
line C—D.

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 ..... Dated 18-6-2014.....

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

*Please see overleaf*

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

**Documents** 7 + application map (+ 2 documents held by W.C.C.) (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** None (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)** N/A (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)

7 X extracts of Ordnance Survey maps 1887 – 1972.

1950s parish survey map (part), Radford Semele (original held by Warwickshire County Council).

1960s Definitive Map extract, (original held by Warwickshire County Council).

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

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Wildlife & Countryside Act 1981  
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form  
**1a**

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

**Name:** Sukhwinderjit Singh Sanghera

**Address:** Dunbar House, Southam Road, Radford Semele, Warks. CV31  
1TZ

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.**

- 1.1 The current Definitive Map shows the eastern section of public footpath W123 on an incorrect alignment following a draughtman's error in the 1960s – probably following the Special Review of the Definitive Map required by the 1968 Countryside Act (the 1968 Act). See the broken black line A – B on the accompanying map. The solid black line C – D is the correct and historic alignment.
- 1.2 The way appeared on its correct alignment in the first edition, Ordnance Survey 1:2500 map in 1887-9. This was prior to the construction of Dunbar House, the neighbouring properties or any of the present property boundaries.
- 1.3 The same alignment appeared on the second series Ordnance Survey 1:2500 map of 1905 and also on the 3rd edition, Ordnance Survey 1:2500 map of 1925.
- 1.4 The same alignment appeared on the 1938 edition of the Ordnance Survey 1:10560 (6 inch to the mile) map but the 1939 1:2500 map did not include it at all and it did not appear again on any Ordnance Survey base maps unlike the western section from Lewis Road, Radford Semele to the intersection with W122c. Although the new boundaries surrounding Dunbar House did not appear on the 1930s maps, it is likely that some of them had appeared by then.
- 1.5 Following the National Parks and Access to the Countryside Act 1949, the Parish Council were invited to claim public rights of way for inclusion in the first Definitive Map. This they did using a linen-backed, Ordnance Survey base map – presumably supplied by Warwickshire County Council. In fact, the base map issued was an old edition (probably a 1938, 1:10560 edition).
- 1.6 The effect of using an old base map was, that the Parish Council were able to claim the exact line of the historic route and this was entered on the Definitive

Map in c. 1954.

- 1.7 Schedule 3 of the 1968 Act, required a special review of public rights of way primarily to re-classify the old designation of Roads Used as Public Paths (RUPPs) which were to become either public footpaths, bridleways or Byways Open to All Traffic. It is likely that as a result of this, the Warwickshire Definitive Map was re-drawn, probably on an Ordnance Survey 1:10560 scale map from c. 1955. On this map, the public footpath – formerly shown on the early editions by a double row of pecked lines did not appear. Some of the original boundary features of Dunbar House were included though.
- 1.8 Without the guidance of the Ordnance Survey base map, the 1960s draughtsman re-drew the line of public footpath W123 in error. At 1:10560, the difference is barely perceptible. However, he made two errors which, while small for the techniques of the day, have the effect of placing W123 several metres to the north – the north-eastern termination point being the worst with the footpath meeting the Southam Road approximately 50 metres from where it should.
- 1.9 The first, tiny mistake was in placing the western intersection with W122c approximately 10m north of its correct position which should have been directly opposite the intersection point between W122c and the western section of W123 from Radford Semele.
- 1.10 The second mistake was in the alignment of the eastern arm of W123 which should have been 061.5 degrees north but was in fact drawn at 055 degrees north. It is this error which, over a long length, multiplied the effect.
- 1.11 The combined effect of these errors is to place W123 on completely the wrong alignment as it crosses the garden of Dunbar House.
- 1.12 The present Definitive Map should be modified and corrected because it seeks to establish a public right of way that has no other legal or historical basis and, in so doing, has a detrimental effect on the value of the property. It also has important repercussions for the security of the property which has been the subject of at least one break-in in recent times.

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

i) Start point...A425 Southam Road..... Grid Reference.....

ii) End point.....Intersection with W122c                      Grid Reference.....  
(Unable to give accurate grid references as they are not given in the Definitive Statement – only the eastings appear to be given.)

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

N/A

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?

N/A

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

N/A

If yes:

- please mark their location on a map.

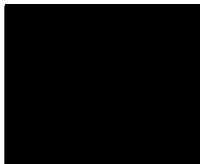
- in what year did the notices appear?

- what do they say?

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

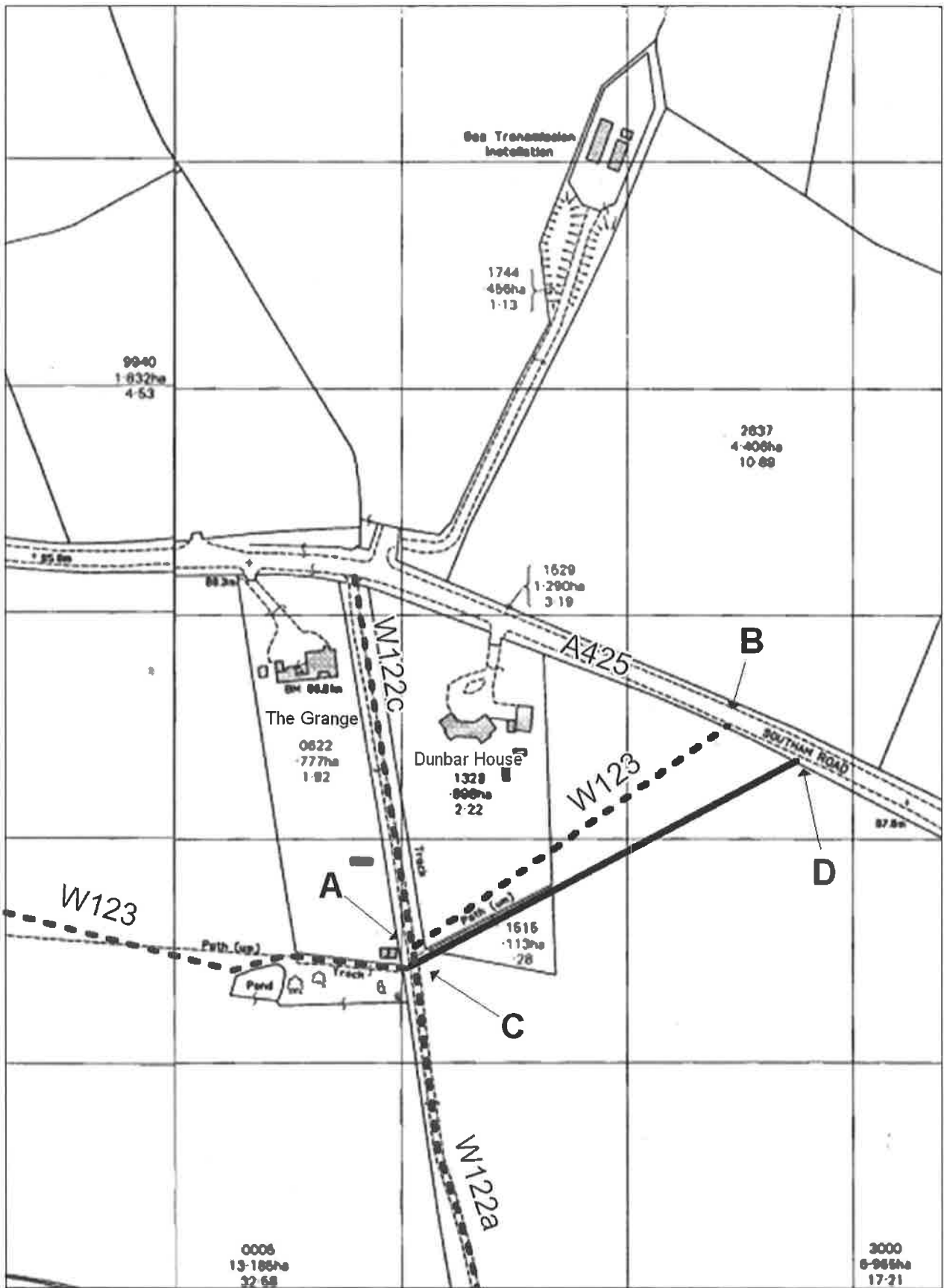
NATURAL

Signed:



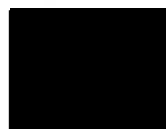
Dated:

18-6-2014



**Public Footpath W123, Parish of Radford Semele, Warks.**

The incorrect line of public footpath W123 is shown by the broken line A – B.  
 The correct line of public footpath W123 is shown by the continuous line C – D.



18-06-2014.