

Ref: DefMapSch7Jul02.1

Schedule 7

Form of Application for Modification Order

Wildlife and Countryside Act 1981

Title of Map: Warwickshire Definitive Map

To: Warwickshire County Council, Countryside Recreation

Of: Unit 11, Montague Road, Warwick CV34 5LN

We, The Ramblers Association, Warwickshire Area
 c/o S. G. Wallsgrove, Area Footpath Secretary, 26 Priors Road, Warwick CV34 4NA
 hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981
 modifying the definitive map and statement for the area by :

~~[deleting the [footpath][bridleway][byway open to all traffic]
 from:
 to:]~~

[adding the [footpath][bridleway][byway open to all traffic]
 from: Warwick Road, Kenilworth (OS ref. 228716)
 to: Waverley Road (OS ref. 291717)]

~~[upgrading][downgrading] to a [footpath][bridleway][byway open to all traffic] the
 [footpath][bridleway][byway open to all traffic]
 from:
 to:]~~

~~[varying][adding to] the particulars relating to the [footpath][bridleway][byway open to all
 traffic]
 from:
 to:
 by providing that:]~~

and shown on the map accompanying this application.

We attach copies of the following documentary evidence (including statements of witnesses)
 in support of this application:

List of documents: see attached, typed, statement

Dated: 28/8/02

Signed: S G Wallsgrove

Statement of Evidence

- 1) The claim is for those parts of the route between Warwick Road and Waverley Road, Kenilworth not included on the Definitive Map as K35.
- 2) The first reference to the route is in 1854. The deeds for the former tannery site (now the site of Talisman Square), dating from 1690 to 1880 (County Record Office ref. MI 179) include an application dated 27 June 1854 to close the public footpath (actually part of a longer path) from Station Road south to "another path" (the claimed path).
- 3) The Quarter Sessions Order of 1854 (County Record Office ref. QS47/79) shows, on the plan, the path to be closed as terminating at its south end on "Shut Lane", which is shown as continuing east, as a path, which is labelled as "to the railway station".
- 4) The west end of the path is shown on the Board of Health Map of c.1877.
- 5) The whole path is shown on all large scale Ordnance Survey maps.
- 6) The east end of the path (shown as K35) was diverted in 1909 (County Record Office ref. QS47/230A) when the gap between the two numbered parts was shown, the old route being described as being 4ft wide with the new (diverted) route being 6ft wide.
- 7) In 1964 the planning application for the youth centre and nursery school (Plan No. KUDC 5436 held by Warwick District Council) referred to the need to divert the path.
- 8) The diverted route is shown, crossing Bertie Road, as K35 on the Definitive Map.
- 9) The whole route is shown on the list of streets map, kept by the District Council as agents for the Highway Authority, as maintainable at public expense.
- 10) The whole route has a tarmac surface, is generally well maintained, and has street lights. It is heavily used by the public.

25/8/02

CA ref. KCL6m 3

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 owner/occupier is not known for the short section between the two parts numbered K35

Dated: *28/8/02*

Signed: *SG Wallgrove*

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