



Warwickshire
County Council

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 *clo S A Wallgrove,*
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 323 651* Finish... *SP 324 647*

Description :

From Camberwell Terrace, Leamington Spa south under railways to Althorpe Street and canal then around east side of the Eagle Foundry ^(L13), and south beside Recreation Ground to north end of Alexandra Road

Signed: *S A Wallgrove*
Claim No.

Office use only

Date: *27/7/02*

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 is shown on all maps of the area and was awarded by the Leamington Priors Enclosure Award, is shown as being publically maintainable on Highway Authority records, has a tarmac surface, is lit by street lamps, and is well used by the public. The central section is recorded on the Definitive Map as L13.

List your evidence and references

see attached, typed, statement

Statement of Evidence for the path from High Street, Leamington Spa to Whitnash

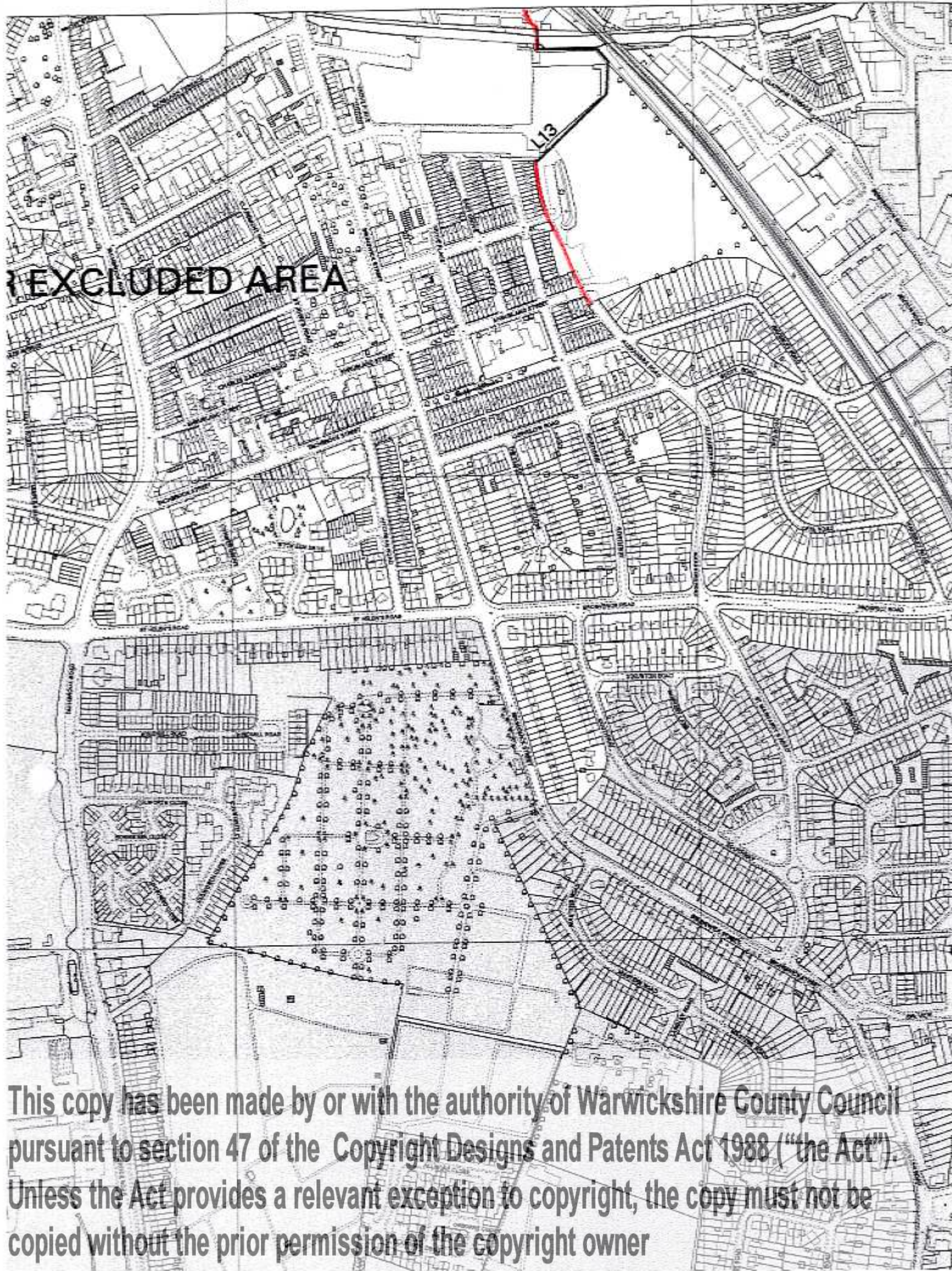
- 1) The whole of this path in Leamington (before part of Whitnash was added to the town after 1925) was created by the Leamington Priors Inclosure Award of 1768 (held by the County Record Office at QS75/71: no map). The path was to be 4ft wide.
- 2) The continuation in pre 1925 Whitnash was recorded on the original Definitive Map as a public footpath numbered L10, but was replaced by an estate road being built along it.
- 3) The deposited railway plans for the construction of the railways in the 1840's (held by the County Record Office, e.g. QS111/189) describe the land immediately north of the canal as "pasture brook and footpath" with the landowners including the Leamington Commissioners (i.e. the Board of Paving Commissioners, who were the Highway Authority). This plan also shows, and labels, a bridge over the canal, the owners being listed as the then canal company.
- 4) The deposited railway plans for the construction of other railways in the 1840's (e.g. QS111/153) describe two of the three fields between the canal and Whitnash as :- parcel 77: arable and footpath, with parcel 78: pasture and footpath. The owners in both cases included the Commissioners for Paving, lighting, watching, regulating and improving the Town of Leamington Priors.
- 5) In 1872 the Board of Health (as Highway Authority) received complaints about the state of the path between High Street and Ashgrove Place (the row of houses then at the east end of White Street immediately to the south of the railways and fronting on to the path). The section under the London and North Western Railway arch was agreed to be repaired (see CR1538/27: 20 Feb, 5 March, 16 April).
- 6) In 1878 there were also complaints about the ladder bridge over the canal, with a reply from the Warwick and Napton Canal Company (see CR1538/28: 11 Feb. and 9 Sept.), while in 1888 the minutes refer to replacing the same bridge (CR1538/29: 8 October).
- 7) By 1886 the north end of the path had been incorporated into Camberwell Terrace (see OS maps of 1/2500 and 1/500 scale).
- 8) The section immediately south of the canal, at the Flavels factory, was diverted in 1984 (Order of 1983) and is now shown on the Definitive Map as path L13.
- 9) The southern end, beyond, the Eagle Recreation Ground (owned by the District Council) was subsumed in Alexandra Road when that area was developed.
- 10) The whole route (except for the canal bridge) is shown as being publically maintainable on the records kept by the District Council as agents for the Highway Authority.

27 July 2002

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