



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 *Equitation Association (Warwickshire Area)*
 Address *c/o S & W Williams*
26 Spring Road
 Town *Warwick* Postcode *CV34 4WD*
 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...*SP229 477*.....Finish...*SP229 473*.....

Description :

From the north end of the road, follow the road northwards to a point marked on the map as SP229 477. The route then follows the road northwards to the church tower.

Signed: *S.W. Williams*
Claim No.

Office use only

Date *3/8/05*

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 ?

Part of the claim was created by the
Tribunal Award (with SD 328) and the
evidence is shown on the title map

List your evidence and references

see the attached typed statement
of evidence

.please add a separate sheet if you need more space

Statement of Evidence for RA ref. SD Claim 144 (Whitchurch)

- 1) The present path, SD308, is the south-west half of a public path created by the Whitchurch Inclosure Award 1869 (County Record Office QS75/127), the whole route extending north-east to OS ref. SP223477 (where the old inclosures started). The awarded path was described as "Public footway 4ft wide numbered 10 on map" and went "from point Xa on Public Road from Stratford to Ilmington east to Xb on map on east side of allotment 19" and was "set out for the Parishioners of Whitchurch to go to and from their Parish Church".
- 2) The estate map of 1810, for Wimpstone and Crimscote (CRO CR936(on shelf)) shows the continuation of the awarded path going generally northwards and labels the south end end as "To Whitchurch". This continuation in the old inclosures is shown as a coloured road (as all other roads) going generally north-east then generally north through two fields called Upper and Lower Crestly to emerge on to the Crimscote road directly opposite the lane to the church.
- 3) This same section of the claimed route is also shown on the Tithe Apportionment Map of 1842 (CR569/261), again coloured in the same way, as all other roads. The Book of Reference lists the two fields (Upper and Lower Cressley) as "including Road".
- 4) The Altered Tithe Apportionment 1873 (CR569/262) shows a different route for this section of the claimed route, namely generally around the west edge of the two fields, although there is no Diversion Order and the Tithe Apportionment did not have the power to divert, or close, highways. The route is not mentioned in the Book of Reference.
- 5) This same 'diverted' route, with part of the awarded footpath, is also shown on the Ordnance Survey 6 inch map first edition 1884 (sheet 50NE).
- 6) Neither of these routes now exist on the ground, although the original route through these fields follows the centre of a shallow valley from the ridge down to the Crimscote road.
- 7) The circumstances of this case, namely the creation of part of the route in an Inclosure Award and showing of its continuation on the Tithe Map, is identical to the evidence for our successful claim in North Warwickshire and, therefore, it is considered that there is more than sufficient evidence to reasonably allege that this path subsists as a public right of way.

