



Warwickshire
County Council
Planning Transport & Economic
Strategy, PO Box 43, Shire Hall,
Warwick, CV34 4SX

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

form

C

**Application for Modification Order
to ADD a Route to the Map**

Applicant's Full name *Ramblers Association, Warwickshire Area*
Address *10 St Wallsgrove, 26 Priory Road*

Town *Warwick*

Postcode *CV34 4NF*

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.....*S.P. 391.534*.....Finish.....*S.P. 393.550*.....

Description :

*From road junction at Northend, Burton Dassett north
across railway then generally north passing to west
of Knightcote to road at parish boundary with
Bishops Itchington*

Signed: 
Claim No.

Date: *11/5/05*

Office use only

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 described as being a public
footpath on a number of deposited railway
plans and was claimed under the 1910
Finance Act

List your evidence and references

1 see attached, typed, statement of evidence

Statement of Evidence for Southam Claim No. 7a

- 1) The south end of this path is first recorded on a deposited railway plan of 1844 (County Record Office ref. QS111/147) where it is labelled on the plan as "Footway from Bishops Itchington". This village lies to the north of the claimed route and, therefore, confirms the existence of the whole route.
- 2) The deposited railway plan of 1845 (QS111/180) lists the path as being part of entry 58 in Burton Dassett. The Book of Reference lists this as "Grass + Footway", with the owners being given as J. Sabin and the Surveyor of Highways. This shows that the path was considered to be a public highway.
- 3) The deposited railway plan of 1862 (QS111/249) lists the path as part of entry 11 in Burton Dassett. The Book of Reference describes the entry as "Pasture Field and Public Footpaths" with the owners being J. Sabin and the Surveyor of Highways.
- 4) A 4th deposited railway plan, of 1863 (QS111/262), again lists the path as part of the 11th entry in Burton Dassett. The Book of Reference also gives the same description as the 1862 plan and the owners, again, as J. Sabin and the Surveyor of Highways.
- 5) The only estate map, of 1855, is from an Estate Agents Catalogue (EAC 130), but does not show any paths.
- 6) The Ordnance Survey maps, including the first edition of the 6 inch to a mile map of 1885, shows the whole route claimed.
- 7) The submissions made under the 1910 Finance Act show that there were 5 landholdings (including the railway) affected by this path, the entries (from the south) being numbers 14, 198, 95 and 142. These all included allowances for public paths in the Field Books. The entry for the railway (no. 49), however, included no such claim. The relevant figures were:- Hereditament 14: £30, 198: £20, 95: £120, and 142: £10. These are generally consistent with the length of path across the holdings as No. 142 is the shortest, and No. 95 has two path across it, the other being much longer (see our SMClaim7b).
- 8) It is considered that the number of Deposited Railway Plans which, consistently, record the existence of this path over a period of nearly twenty years is sufficient to reasonably allege that this is a public path. It is further considered that this, with the 1910 Finance Act evidence, clearly confirms that it was accepted as being public by all the landowners over a long period while the evidence of the Ordnance Survey maps establishes that the route has not changed for well over a century.

