



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 SA Wallsgrove*
26 Priory Road
 Town *Warwick* Postcode *CV34 4ND*
 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 176655*.....Finish.....*SP 179658*.....

Description :

*From bend in old Henley Road generally north-east
to SD 207/SD 220a parallel to canal*

Signed: _____
Claim No. _____

Office use only

Date: *1/8/04*

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 ?

It is shown and labelled as a public road
on the canal and railway plans and on
the Tithe Apportionment Map

List your evidence and references

see attached, typed, statement of evidence

Statement of Evidence for RA Claim SD75

- 1) The whole route is shown on the 1799 deposited plan for the Stratford on Avon Canal (County Record Office QS111/8/16) as a branch off the Henley to Warwick Road where it is given the reference number '72' and is shown as turning west across the line of the proposed canal at its northern end.
- 2) The associated Book of Reference (QS111/8/17) describes '72' as being "A road" with no owner or occupier. This is the same as for the "Road from Henley to Warwick".
- 3) The Acts of Parliament for the canal (1793 and 1799) (1793: CRO at D346Act(p) + CR347/9; 1799: QS111/8/18) only authorise the closure, diversion or alteration of public highways, not private roads, which supports the status of the route as a public road since a bridge had to be built to cross the canal.
- 4) The Tithe Apportionment for Preston Bagot 1839 (CR569/192) shows the whole route, including the turn across the canal, with the map giving it the reference number '153'. The Book of Reference identifies this as "road" (the same as the Henley Road, numbered 148) with no tithe being payable. The owner is given as being the Lord of the Manor (Sir E. J. Smythe), which could be expected for the waste of the manor. (A highway is a special type of 'waste'.)
- 5) The deposited plans for a proposed Birmingham and Oxford Junction Railway, 1845 (QS111/153) show almost the whole of the claimed route. It is given the reference number '6a', which is described in the Book of Reference as an occupation road, with the owners being given as Sir E. J. Smythe and the Surveyor of Highways. This confirms the existence of public rights along the route since, otherwise, the Surveyor of Highways would not be included. The plan also shows a different line for the west end of public footpath SD207, namely part way along the road instead of at the bend where the canal bridge is, which further confirms the existence of public rights along the route.
- 6) The whole of the route is shown on all Ordnance Survey maps as a clear and obvious physical feature passing to the east of the canal cottage and not being separated from the Henley Road at its south end.

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: WCC, Countryside Recreation, Unit 11, Montague Road,
of: Warwick CV34 5LW

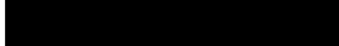
We, the Ramblers Association, Warwickshire Area
c/o S. G. Wallgrove, Area Footpath Secretary, 26 Priory Road, Warwick CV34 4NA

~~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 track, subject of this claim, is excluded
from the adjoining ownerships (as shown by the
Land Registry and the canal ownership in the
deposited plans)

Dated: 1/8/04

Signed:  Area FP Sec.

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21/4/2004

