



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 *c/o S. G. Wallsgrove*
26 Priory Road
 Town *Warwick* Postcode *CV34 4NH*
 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*

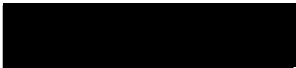
Please describe the route carefully and explain exactly where the route starts (from a point on a road or path), the line it follows and exactly where it finishes. Colour the line of the route on a 1: 2500 scale Ordnance Survey Map and mark the position of any obstructions, fences, stiles or gates. Also 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.....*SP375492*.....Finish.....*SP371483*.....

Description :

*From opposite SW end of path SM129b south-west
and south-south-west to Radway village*

Signed: 
Claim No.

Office use only

Date: *24/11/04*

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 ?

The path was not closed when those
on the 'War Department' land were closed
but were wrongly deleted from the final
~~draft~~ Definitive Map

List your evidence and references

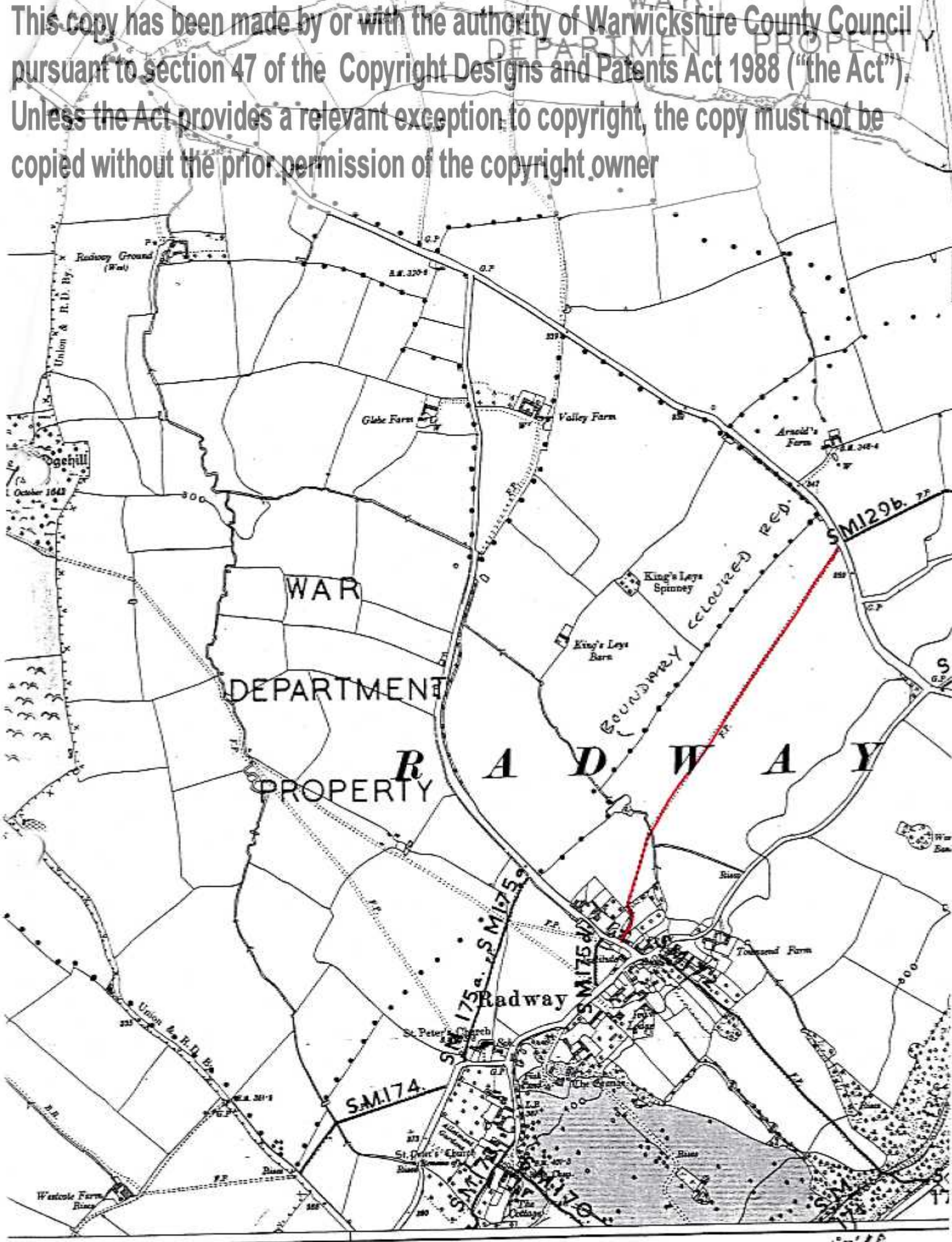
see attached, typed, statement of evidence

Statement of Evidence for Southam Claim No.8

- 1) This path was created by the Radway Inclosure Award of 1757 (County Record Office ref. QS75/90). It was part of the 5th awarded footpath the whole pf which is described as the "New Path to be made from Ennocks Corner at the North end of Radway Town over Hemp Close through the allotment to Sanderson Miller in Townsend Quarter, over the east end of the allotment to Sanderson Miller, and through the allotment to him in lieu of ..., and the East end of the allotment to John Daniel to the North end of the last allotment then to Cosford Gate. 4 feet broad. To be continued and used as a private Path or Footway". (N.B. this reference to 'private path' should be interpreted as meaning for the use of the parish, not the present day meaning.)
- 2) These allotments can be identified by reconstructing the map of the Inclosures and shows that the first mentioned allotment is the 2nd to Sanderson Miller, the next one was in lieu of lands purchased from William Barrett, the third was in lieu of lands purchased from Hayes and Pettit, and the allotment to John Daniel was in the north-west corner of the parish. A copy of this reconstructed map has been deposited at the County Record Office.
- 3) A map of 1756 (CR1596/197) shows the pre-enclosure arrangements of fields, and an earlier arrangement of the proposed allotments. It does not show any paths, but does name Hemp Close so that the start of the path can be identified. The present day Hemp Cottage immediately adjoins the access to the then Hemp Close.
- 4) The claimed route is shown, and labelled, on all the large scale Ordnance Survey maps, including the first edition of the 6 inch to a mile map of 1886, and the base map used for the 1964 Order (see below).
- 5) The claimed route was shown on the original Draft Definitive Map as a public path. The then landowner objected to its inclusion (with others) and a counter objection was lodged by the Ramblers Association on 29 September 1958. Following receipt of information about previous (temporary) closures of the part of paths on land held by the Ministry of Defence, that part of our objection was withdrawn on 28 December 1958, but with the proviso that they would need to be claimed if the site was de-requisitioned. All of this establishes that the paths, including the present claim, were generally accepted as being public rights of way.
- 6) When the Modified Map was published, the claimed route was omitted, despite the Ramblers Associations outstanding objection to the deletion.
- 7) In 1964 the public paths across the Ministry of Defence land were permanently stopped up, by Order. This left a short cul-de-sac linking one of those paths (listed as No. 8) to the claimed route, and the claimed route itself, as unrecorded public paths.
- 8) It is contended, therefore, that an error was made at the time of the preparation of the original Definitive Map and that the claimed route should be shown as a public path.



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LONG. 1° 28' W.

1° 21' BANBUK

Scale in 1884-85. Revised in 1920. Re-issued in 1924.

250 ft. 150 ft. W. CHARACTERISTICS AND SYMBOLS.

Boundary ———— Antiquities Site of ————

The Catchment Area Boundaries are administrative ones, decided by the Minister of Agriculture and Fisheries.