



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 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.....*S.P. 28 27 65 58*.....Finish.....*S.P. 28 13 65 21*.....

Description :

The generally metalled path from beside 27 Coventry Road to Lakin's Road (labelled A1 - B - C on plan) and from Wandgate Road (Point E), beside railway (via Point F1) to the open space known as Priory Park (Point F2), through part of this open space (via F3) then under the railway and (via Point G) along edge of Priory Park to Cape Road (Point H)

Signed:
Claim No.



Office use only

Date: *8/9/01*

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 was awarded in the 1773 Enebasse Award

The whole route has been described as being public since at least 1802.

The present route has been well used by the public for very many years.

Parts of the route are on the Highway Authority's maintenance records.

List your evidence and references

see attached typed evidence

Documentary Evidence (All references are to documents held by the County Record Office.)

1) Highways Order 7 January 1801 (CR1618/W7/30 + /65, + CR556/248) closing two paths across the present Priory Park describes them both as terminating on "the footpath from Northgate over north side of the Priory to the Coventry Road". This therefore establishes that there was a continuous public path, between these points, at this time.

The remaining evidence relates to various sections of the route and will be described by reference to the letters shown on the plan submitted herewith.

2) Warwick St Nicholas Inclosure Award 1773 (QS75/123) created the section A-B-C-D-E as the 3rd footway in Cotton End or Hardwick Fields "along the same Track such Road now lies", with a breadth of 4 feet, crossing allotments to the Corporation and the Earl: "which footway shall be deemed and taken to be a Common Footway for all his Majesty's Liege Subjects".

3) Estate Map of Earl of Warwick 1774 (Z397/3(u)) labels "footpath" from point D to Point E.

4) Map of Wise Estate 1802 (CR26/2(3)) : page 2 - shows path from Cape Road (Point H), beside fence, to Priory Pools and (via Point F) to Packmore Lane (=Lakin Road). This confirms the route of the path generally described in the 1802 Highways Order.

5) B'ham and Oxford Junction Railway 1845 deposited plan (QS111/153) shows route from A-B-C-D-E and schedule describes section as:

A-B-C: Public Footway owned by Trustees of Henry VIII Charity

C-D: Highway owned by the Surveyor of Highways

D-E: pasture hovel and footway owned by Henry Wise

E-F: pasture and footways owned by Henry Wise.

6) Worcester, Warwick and Rugby Railway 1845 deposited plan (QS111/187) shows whole route, but with small difference at Point F. (This is not relevant since whole section was diverted with construction of railway.) The schedule describes sections as:-

A-B-C-D: not listed

D-E: public footpath owned by Surveyor of Highways

E-F: Public Footpath owned by Rev. Henry Wise + Surveyor of Highways

F-G: occupation road owned by Rev. Henry Wise + Surveyor of Highways

This confirms that the reference in QS111/153 to "footway" means a public footpath (N.B. "Footway" and "footpath" were still interchangeable terms at this period.)

7) B'ham and Oxford Junction Railway (Deviation) 1847 deposited plan (QS111/200) shows route E-F-G-H, but schedule does not include section E-F. Other sections described as:-

F-G: Pasture and Footway owned by Rev. H. Wise and Surveyor of Highways

G-H: public footroad, private carriage and occupation road owned by Rev. H. Wise and Surveyor of Highways (N.B. QS111/196 + /199 almost identical) These confirm the previous identification and that the occupation road on QS111/187 did include the public footpath.

8) St Marys Tithe Apportionment Map 1848 (CR569/252) shows section E-F-G-H with:-

E-F-G: as double pecked line from parish boundary through two fields

G-H: as enclosed parcel (separately numbered) and described in schedule (with the parcel including the Priory itself) as "scite of Priory, road, etc."

(The route shown confirms that QS111/187, around Point F, is wrong.)

9) Leamington, Warwick and Stratford on Avon Railway deposited plan 1852 (QS111/212) shows the situation after construction of the railway and station, namely that the path had

been diverted to go from Point E, via F1, F2 and F3, to G. In detail, the schedule lists:-
F1-F2: part of field described as pasture rickyard and Footway owned by H.C.Wise, the Surveyor of Highways, and the Local Board of Health

F2-F3: Plantation and Footway, owned by H.C.Wise, Jas. Phillips, the Surveyor of Highways, and the Local Board of Health. (The triangle between F2, F3, and the railway is listed as a pool, owned by H.C.Wise.)

F3-G: north of railway described as Poolhead Bank Plantation, Footway, and Occupation Road, owned by H.C.Wise, the Surveyor of Highways, and the Local Board of Health. The section south of the railway was more complicated but included the footway and occupation road, and the owners included the Surveyor of Highways.

10) Henry VIII Charity Sale Catalogue 1877 (CR1185/10) shows path, labelled "Footpath", between A-C but excluded from sale of Lots 1 and 2 either side. Also shows, and labels, section D-E.

11) 1887 Edition of OS maps shows claimed route via F2 and F3 (i.e. pond still not infilled)

12) Corporation Minute Book 1898-1902 (CR1618/W22/13) includes, at page 249, reference to enquiries to be made as to whether the 'Priory Footpath' was a public way. (Cttee 11 Sept 1900). It also includes, at p.157, a presentment to straighten the line of the path from the station to the bridge and, at p.262, a recommendation that this section of path be straightened "along the embankment". These confirm the alignment of the path through F2 and F3.

13) Corporation Minute Book 1902-1905 (CR1618/W22/14) includes, at p.360, "Having considered the Court Leet Presentments as to nuisance caused to foot passengers by bicyclists on the Priory Footpaths they recommend that caution boards be placed at the ends of the paths". (cttee 8 December 1904). There is an existing 'no cycling' notice beside the Priory Park (G-H) where the driveway to the present County Record Office leaves the path, and another at Point E. This confirms that this path was accepted as being a public highway.

14) Corporation Minute Book 1928-9 (CR1618/W22/22) includes, at p.138, Minute 236 from Highways and Water Cttee 1 July 1929 "Borough Surveyor instructed to provide and fix further seat on side of the Priory footpath". A seat exists on the path, by Cape Road.

15) Footpath Diversion Order 26 November 1912 (CR1618/W4/95(box 2)) for Midsummer Quarter Sessions 1913. Diverts section D-E onto road then under construction (now called Woodcote Road). The plan with this Order also shows the relevant ends of path identified as A-B-C and E-F1, the continuation east of E-F1 being specifically labelled as "Footpath" and shown as being continuous with that part of the claimed path.

16) Diversion Order 17 November 1998 diverted A-B onto route A1-B, due to the approved development of the site for two houses. The width was specified as being 1.8 metres. This further confirms that the section of path between Coventry Road and Lakin Road (A-B-C) is a public highway.

Other Evidence

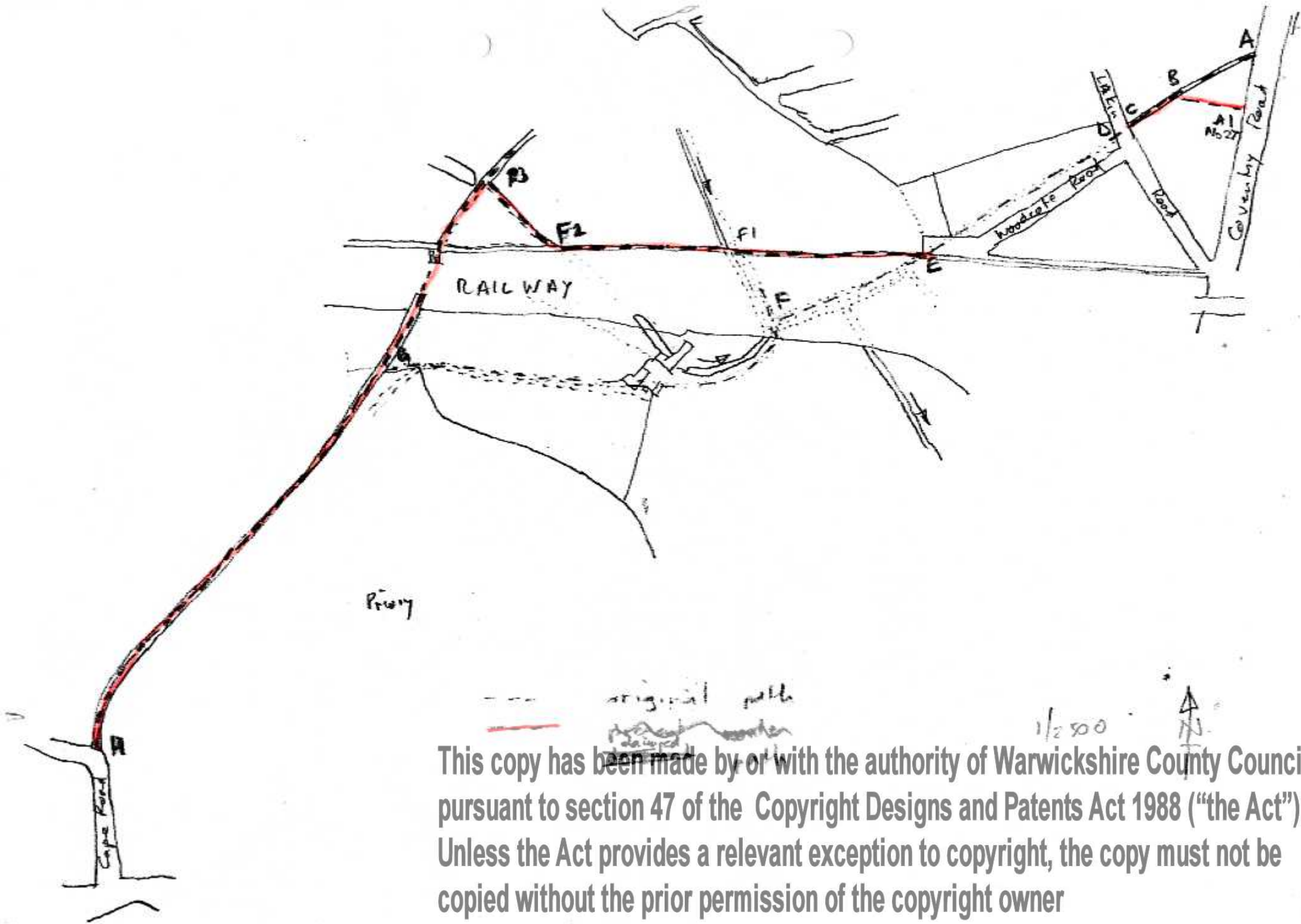
17) The whole of the route (except F2-F3) has a well maintained tarmac surface, consistent with it being maintained by the Highway Authority.

18) The whole route (except F2-F3) is heavily used by the public, this section now being little used due to the overgrown vegetation and its lack of maintenance resulting in this section being obstructed. The section was clear, and used, in the 1960's and 1970's to my personal knowledge.

19) The tarmac parts are lit by standard, Highway Authority, street lights, including special ones under the railway bridge.

20) 'No cycling' notices confirm the affected sections must be highways since, otherwise, such Traffic Orders could not have been made.

21) The sections A-B-C, E-F1-F2, and railway-G-H are shown as being adopted/maintainable at the public expense on the Highway Authority records held by the District Council.



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