



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 3 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...*SP 2835653*.....Finish...*28406558*.....

Description :

*From Priory Pools (at our claim W&C claim 1) north east to
Waltham Road (shown as A1-A2-A3 on plan*

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 ?

The route was created as a replacement for an ancient route at the time of the construction of the railway, has been well used, and maintained, for many years.

List your evidence and references

see attached sheets for justified evidence

Documentary Evidence

N.B. All references are to documents held by the County Record Office.

1) Section C-D (as shown on the accompanying plan) was created by the Warwick St Nicholas Inclosure Award 1773 (QS75/123), namely the fourth footway in Cotton End or Hardwick Fields and was described as "leading from a certain Style on the North East Side of the said meadow called Betty Taylor's Meadow into and over a part of the said Earls third Allotment in such Fields to the North East corner of the said Allotment and from there across the private Road through Mrs Webbs first Allotment into the Packmore Meadow aforesaid". (This "private road" became Lakin Road, with the canal being constructed along the southern edge of Parkmore Meadows.) The path was also described as being 4 feet wide and was to be a footway "for the uses and purposes for which it has been used beyond the Memory of Man". This Award therefore confirms not only that the path was public, and had an ancient origin, but that it also continued to the south, through Betty Taylor's Meadow, since there was already a stile there.

2) Estate Map of Earl of Warwick 1774 (Z397/3(u)) shows an alternative route to that described above. However, the Highways Act of 1773 (13 George III, Chapter 78) had, by that time, come into operation and such a change would have been legal (without the need for a formal Order) under Section XIX. The route shown labels "footpath" for the section C-C1, then "accommodation road" for C1-C2. (The map excludes land to the north, including the awarded "private road" over the Earls allotment from C2 to D, which subsequently became part of Millers Road.)

3) This section of the path (i.e. C-C1-C2-D) was subsequently lost, presumably when the present Vine Lane was laid out (before 1845).

4) Worcester, Warwick and Rugby Railway deposited plan 1845 (QS111/187) shows the section A-B, with the allotments and early development in the Packmore Street/Paradise Street/Vine Lane/Green Lane area, including the section B-C. The schedule describes A-B as being a "public footpath" owned by Rev. Henry Wise and the Surveyor of Highways.

5) B'ham and Oxford Junction Railway deposited plan 1845 (QS111/153) shows the path along the west side of a field (i.e. A-B) which is described in the schedule as "Pasture and Footpaths" owned by Henry Wise (N.B. The plural is used since another claimed path is also shown.)

6) St Marys Tithe Apportionment Map 1848 (CR569/252) also shows this section of path (i.e. A-B) through parcel 235.

7) Leamington, Warwick and Stratford on Avon Railway deposited plan 1852 (QS111/212) shows the situation after the railway had been constructed, namely no path is shown or described for A-B, but the route A1-A2-A3-B, with the end of Vine Lane, etc is shown. The section A1-A2 lies along the edge of a field which is described as "Pasture Rickyard and Footway" which was owned by H.C. Wise, the Surveyor of Highways, and the Local Board of Health. This confirms that the original path was diverted on construction of the railway so as to make best use of the railway bridge over our claim WBClaim1, and that the new route was a public right of way.

8) Ordnance Survey 6 inch and 1/2500 scale maps of 1887 and 1925 show the route A1-A2-A3-B, with B-C as part of Vine Lane.

9) The subsequent construction of Wathen Road in the 1930's, by the former Warwick Borough Council, incorporated the section A3-B within the new estate road, and widened the

section B-C. (The Corporation had “recently” bought the Packmores Estate from Sir Wathen Waller in 1929: Minute Book 1928-9, page 128, minute 21 (CR1618/W22/22).

Other Evidence

10) The whole of the claimed path (i.e. A1-A2-A3) has a well maintained tarmac surface, consistent with it being maintained by the Highway Authority.

11) The route is lit by standard, Local Authority, street lights.

12) The path is heavily used by the public going to and from the town centre, and there are no fences, gates, or deterrent signs.

