



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 A Wallgrove*
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 317654*.....Finish...*SP 319652*.....

Description :

Leamington Spa
From Spencer Street, south along Avenue Walk,
then east beside railway and through subway and
generally east to Lower Avenue

Signed: _____
Claim No.

Office use only

Date: *27/7/02*

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 is recorded as being public in the mid-19th Century and much of it was created by a Highway Diversion when the station was redeveloped. Much of it is also well used by the public

List your evidence and references

see attached, typed, statement

Statement of Evidence for the path from Spencer Street, Leamington Spa along Avenue Walk and under the railway station to Lower Avenue

1) This path has its origin as part of the western driveway to what is now the Manor House Hotel from the Old Warwick Road. (The eastern driveway included what is now Lower Avenue.) It is shown as an avenue of trees on a plan of 1820 of the Wise Estate held by the County Record Office under reference CR1235/3.

2) Spencer Street had been constructed from opposite the parish church to this western driveway by 1838 (see map by D. G. Squirhill in Leamington Library) which labels this part of the claim as "Avenue Road".

3) This section of the old driveway had been accepted as being a public footpath by the mid-1840's, when various railway companies officially deposited plans for railway lines with the Clerk of Quarter Sessions. (E.g. QS111/198, 199, + 200B all held by the County Record Office. This is for the Birmingham and Oxford Junction Railway 1847 which shows this route as parcel No.14. This parcel is described as "private road + avenue + footroad" owned by Matthew Wise, and others.) N.B. The Highway Authority is not normally listed as an owner where they do not own the freehold, until the 1850's.

4) Two railway lines had been constructed by 1852 when the Board of Health Map (in the County Record Office at CR1563/190 or Z732(u)) shows the old driveway from Spencer Street/Avenue Road to the railway lines as "Avenue Walk", with three gates (one at Avenue Road, a second half way to the London and North Western Railway, and the third between this line and the Gt Western Railway). These gates show that a route still existed across the railway lines.

5) In 1854 the railway companies applied to the Board of Health to build a footbridge "over the Avenue Walk", with one company stating they had already given orders for their portion to be built. (See CR1563/172 Minutes of the Board of Health, p.385) N.B. The Board of Health was the Highway Authority at this time. This footbridge, over both lines, is shown on the 1886 and 1925 Ordnance Survey maps.

6) In 1857 the London and North Western Railway replied to the Board of Health and agreed to the removal of the second gate from Spencer Street, and the substitution of an upright post, but Matthew Wise (presumably as landowner) refused. (See CR1563/174 p.306) This confirms that the Avenue was still owned by the Wise family.

7) In 1869/70 the Board of Health wanted to carry out further improvements with the Surveyor being asked to "prepare plan and estimate for replanting with trees the old Avenue leading to the Railways" (CR1563/179 p.107 +135) with a plan for "fencing proposed to be placed round the old Avenue" being submitted for consideration by the Board in 1870 (p.240) with a smaller scheme actually being approved (p.243/4) namely "That the fence referred to (with 2 posts at the lower end of the Avenue) be placed the outside of the Avenue only".

8) On 13 February 1888 further fencing was authorised by the Highways [etc.] Committee

namely “an iron fence was to be placed on both sides of the path running through the shrubbery leading from the Avenue Road to the Wooden Bridge crossing the railway” (CR1538/29)

9) This wooden bridge was removed following a diversion of this section of the public path in 1935, the new route being that shown (in part) on the maintenance map kept by the District Council as agents for the Highway Authority. The diversion consists of a Deposited Railway Plan held by the County Record Office at QS111/647 and shows the present route from the south end of Avenue Walk, along the north side of the railway, then through a subway, and then beside the south side of the railway to Lower Avenue.

10) This route, including Avenue Walk, has been heavily used by the public since the railways were constructed, with the need for the wooden footbridge in the 1850's showing that the path across the lines was in good use even at that time.

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FORMER EXCLUDED AREA

