

RA Ref. BAP 84

Ref. DefMapSch7Jul02.1

Schedule 7

Form of Application for Modification Order

Wildlife and Countryside Act 1981

Title of Map: *Birmingham Definitive Map*

To: *Transportation Strategy (Development Section), Birmingham City Council*

Of: *1 Lancaster Circus, Aeneasway, Birmingham B4 7DQ*

We, The Ramblers Association, Warwickshire Area
c/o S. G. Wallsgrove, Area Footpath Secretary, 26 Priory Road, Warwick CV34 4NA
hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981
modifying the definitive map and statement for the area by :

~~[deleting the [footpath][bridleway][byway open to all traffic]~~

~~from:~~

~~to:~~

]

~~[adding the [footpath][bridleway][byway open to all traffic]~~

~~from:~~

~~to:~~

Kington Way
Station Road

]

~~[upgrading][downgrading] to a [footpath][bridleway][byway open to all traffic] the~~

~~[footpath][bridleway][byway open to all traffic]~~

~~from:~~

~~to:~~

]

~~[varying][adding to] the particulars relating to the [footpath][bridleway][byway open to all~~
~~traffic]~~

~~from:~~

~~to:~~

~~by providing that:~~

]

and shown on the map accompanying this application

We attach copies of the following documentary evidence (including statements of witnesses)
in support of this application:

List of documents:

see attached, typed, statement of evidence

Dated:

16/1/08

Signed:

SG Wallsgrove

Schedule 9

Form of Certificate of Service of Notice of Application for Modification Order

Wildlife and Countryside Act 1981

Title of Map: *Birmingham Definitive Map*

Certificate of Service of Notice of Application for Modification Order

To: *transportation Strategy (Development Section), Birmingham City Council*
of: *1 Lancaster Circus, Queensway, Birmingham B4 7DQ*

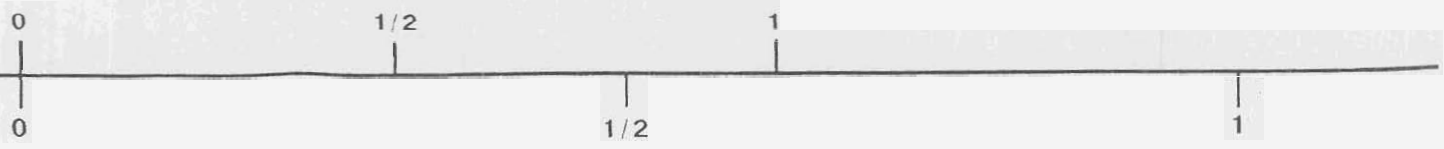
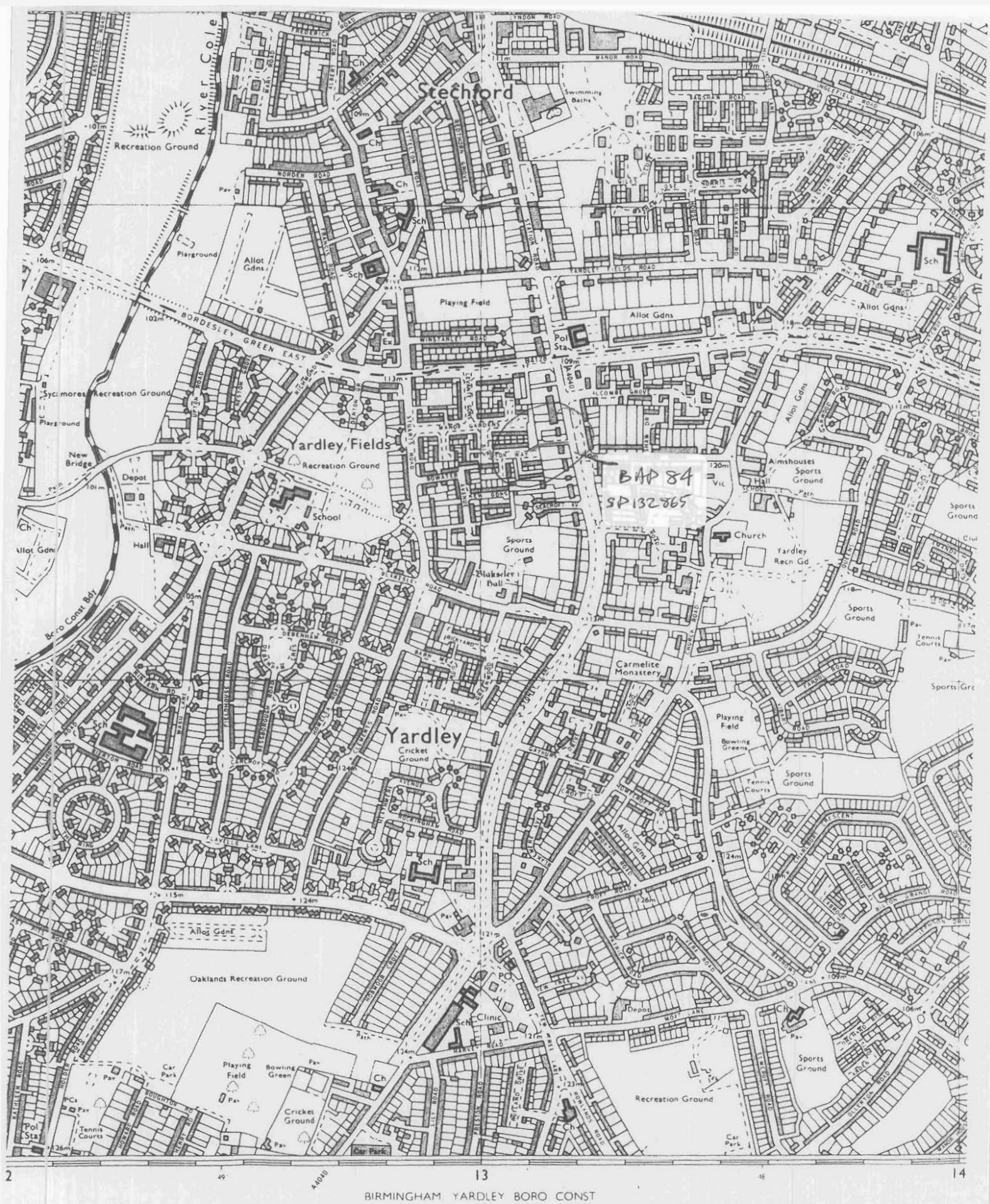
We, the Ramblers Association, Warwickshire Area
c/o S. G. Wallsgrove, Area Footpath Secretary, 26 Priory Road, Warwick CV34 4NA

~~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): *local enquiries said there was no owner*

Dated: *16/9/08*

Signed: *S G Wallsgrove*



Statement of Evidence for Path Claim BAP 84

- 1 The path is first shown on the first edition of the Ordnance Survey six inch map (1880's).
- 2 Development of the area around 'Manor Gardens' apparently commenced about 1950, since that estate road is shown by double pecked lines on the Ordnance Survey 1:25,000 sheet SP18 Birmingham (East) of 1951 (main roads revised 1977). The map also shows a passageway west from Station Road, on the same alignment as the path shown in item 1, above.
- 3 This passageway is also shown on the Ordnance Survey 'Pathfinder' sheet 934 (1986) and on the 1:10,000 sheet SP18NW, both of which appear to show it linked, at an angle, to the north side of the east end of Kington Way
- 4 No Highways Order, however, has been found diverting the path onto the estate roads.
- 5 The path is presently unsurfaced, but has a modern street light, is in use by the public, and is in fair condition. There are no barriers or deterrent notices. Enquiries about ownership resulted in the statement that it is "not owned by anyone".
- 6 It is considered, therefore, that it is reasonable to allege that the route subsists as a public footpath and should be recorded as such on the Definitive Map.