

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, Queensway, Birmingham B.1 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: Water orton Lane

to: path M453, Curdworth

]

~~[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: 30/9/08

Signed:

S.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).~~

Dated: 30/9/08

Signed: S. Wallsgrove



Statement of Evidence for Path Claim BAP 95

- 1 The path is first recorded in 1851 when a short section, parallel to the river, was created by the Sutton Coldfield Inclosure Award, as path No. LV. (The Award I held by Warwickshire County Record Office at QS75/111/1.)
- 2 The route is shown on the deposited plans for the Birmingham Waterworks 1869, in various parcels. The Book of Reference lists these as:- Curdworth No.3: meadow, footway and stream; No.4: meadow, occupation road, footway and stream; and Sutton Coldfield Nos. 2, 3, 4, 5, and 6: meadow, occupation road, footway and stream. In all cases the owners included the Surveyor of Highways. (Held by WCRO at QS111/297.)
- 3 The path is shown on the first edition of the Ordnance Survey six inch map of 1887.
- 4 The whole route is shown on the deposited plans for the Birmingham Tame and Rea District Drainage Board Works 1896, for the acquisition of the land. It is labelled on the plan as "Footpath to be stopped up", while the Book of Reference includes "footpath" in the description of each parcel (parcels 125, 124, 123, 122, 121, 202, 203, 117, 204, 210, 211, 201 and 212). In each case the owners listed included the Surveyor for the relevant parish. (Held by WCRO at QS111/492.)
- 5 No Order has been, however, for the closure or diversion of the path.
- 6 The replacement path was diverted by the "Birmingham City Council (Minworth Sewage Disposal Works) Public Path Diversion Order 1996", which specified a width of 2m for the new path. The Order was made on 26 April 1996, was confirmed by the Secretary of State on 26 February 1998, and became operative on 9 April 1998.
- 7 The east end of the path, which lies in Warwickshire, is recorded on the Definitive Map for that county with the reference number M453, in Curdworth parish.
- 8 A consultation on a further proposed diversion, which listed the path as No.2537, was carried out in May 2007, but no Order was made.
- 9 The path is recorded on the (undated) City Council map of public rights of way.
- 10 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.