

WILDLIFE AND COUNTRYSIDE ACT 1981  
DEFINITIVE MAP AND STATEMENT FOR THE CITY OF BIRMINGHAM

To: Birmingham City Council

of: Council House, Victoria Square, Birmingham B1 1BB.

I, Robert Hunt, of 137 Lordswood Road, Harborne, Birmingham, hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the City of Birmingham, by adding the footpath, known as 'The Harborne Walkway', from Forest Drive (grid ref. SP 0356384996) to Brandon Passage (grid ref. SP 0444887441) as shown, highlighted in pink on the attached maps.

The Walkway was created by the City Council in 1981 and has been used as a public path without interruption, since then. There have never been any signs or notices to indicate that the path was not public or that its use was restricted in any way.

In recent months a gate has been erected under the bridge where the path enters Summerfield Park (see attached photo). At the time the gate was erected there was no indication of its purpose, but now there is a sign near the Rotton Park Road access to the path stating that this gate will be locked over night. (see photo). This would seem to be a futile exercise as only a few yards away, in Selwyn Road, the park is unfenced, save for a one foot high rail and no gates (see photo).

There is also a proposal to close off a section of this path where it goes under Icknield Port Road, using one of the old railway bridges.

The public have had full and unhindered use of the path for over 20 years prior to these events and therefore under section 31 of the Highways Act 1980, the way should be deemed to be dedicated as a highway as there is no evidence to a contrary intention.

User evidence is in the process of being collected.

Signed



Robert Hunt.

Date 17th October 2004.

BIRMINGHAM CITY COUNCIL

PUBLIC RIGHT OF WAY EVIDENCE FORM

Name MR ROBERT HUNT  
Address 137, LORDSWOOD RD,  
HARBORNE  
BIRMINGHAM Post Code B17 9BL  
Date of Birth 20/12/44 Occupation RETIRED

Description of path From FOREST DRIVE  
to SUMMERFIELD PARK-ICKNIELD PORT RD (BRANDON PASS)  
SP 0356384996 to SP 0444887441  
(Grid reference if known) (SEE ABOVE)

- 1 Have you known the above right of way as public YES.  
(a) if so for how many years SINCE 1981
- 2 how wide is the way VARIABLE BUT NEVER LESS THAN 12 FT.
- 3 have you used the above way YES  
if so: (a) during which years NOT RECORDED BUT ALMOST EVERY YEAR.  
(b) where were you going to and from HARBORNE TO LOTTON PARK and BACK.  
(c) for what purpose WALKING FOR PLEASURE & VISITING PARENTS.  
(d) how many times a year TWO OR THREE  
(e) by what means e.g. on foot horseback, etc FOOT
- 4 (a) Has the way always run over the same route or has it been diverted ALWAYS OVER SAME ROUTE  
(b) if it has been diverted give details NO

- 5 have there to your knowledge ever been on the way ROAD BRIDGES OVER. NO STILES
- (a) any stiles, gates, bridges etc ACCESS BARRIERS, BUT NOT GATES
- (b) any notices NO
- (c) if so state (with details of the location) where they stood and what was said on the notices \_\_\_\_\_
- 6 have you ever been stopped or turned back when using this way or do you know or have you heard of anybody that has. If so state when this took place. NO
- 7 Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment that the way was not public. If so state when and give particulars and dates NO
- 8 Have you known any locked gates or other Obstruction to the way. If so state when and give particulars. NO
- 9 Have you ever seen notices such as "private" "No Road", No thoroughfare" or "Trespassers will be prosecuted". If so what did the notices say. NO
- 10 Have you ever been given permission to use The way NO
- 11 Do you have any further information you wish To give. SEE ATTACHED.
- 12 Please supply a plan or sketch identifying the route of the public right of way.

I hereby certify that to the best of my knowledge and belief the facts that have been stated are true

Signature



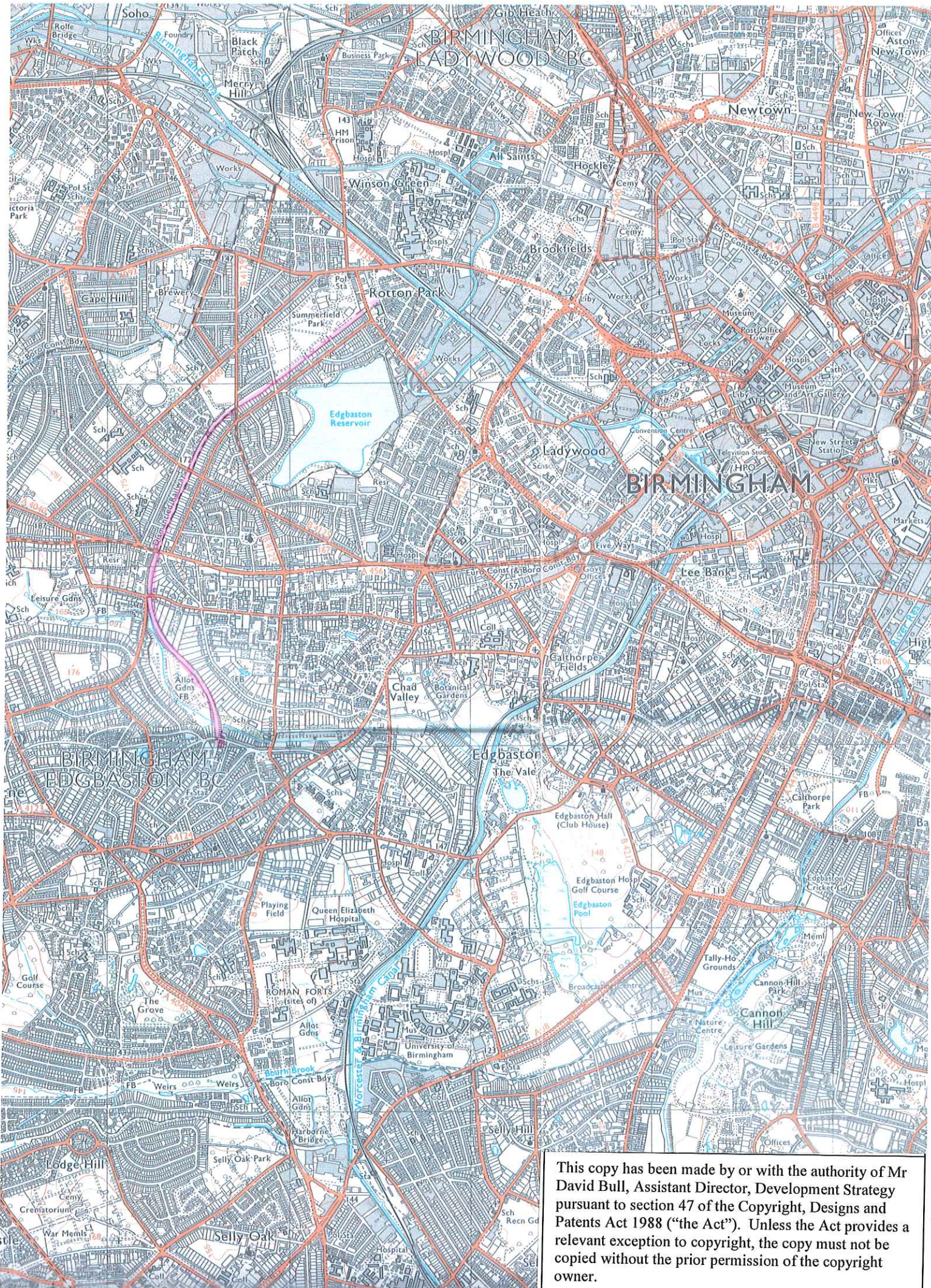
Date

13/10/04.

Please return to Anne Shaw, Transportation Department, Birmingham City Council, 1 Lancaster Circus Queensway, Birmingham B4 7DQ



1986 OS. PATHFINDER 934 1:25000.



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