

RA Ref. BAP 61

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, Queensway, Birmingham B4 7DQ*

We, The Ramblers Association, Warwickshire Area
c/o S. G. Wallsgrave, 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: *Gressel Lane*
to: *Babbs Mill*]

~~[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: *21/8/08*

Signed: *S G Wallsgrave*

Ref. DefMapSch8Jul02.1

Schedule 8

Form of Notice of Application for Modification Order

Section 53(5) of, and schedule 14 to, the Wildlife and Countryside Act 1981

Title of Map: Birmingham Definitive Map

To: Birmingham City Council

of: 1 Lancaster Circus, Queensway, Birmingham B4 7DA

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

hereby give notice that on: 21/8/08

We made application to the: Birmingham City Council
that the definitive map and statement for the area be modified by

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

~~to:~~

]

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

~~to: Cressel Lane~~

~~to: Babbs Mill~~

]

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

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

~~to:~~

~~to:~~

]

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

~~to:~~

~~to:~~

~~by providing that:~~

]

Dated: 21/8/08

Signed: S G Wallgrove

Ref. DefMapSch9Jul02.1

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 B1 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: *21/8/08*

Signed: *S Wallsgrove*

*NB Notice also sent to
Babbs Mill Cottage*

Statement of Evidence for Path Claim BAP 61

- 1 The roadway to Babbs Mill is first recorded on the Deposited Plans for the then proposed Birmingham and Leicester Railway 1845 as item 12 in Sheldon parish. The Book of Reference called it Mill Lane, with the owner being the Surveyor of Highways. (The plans and Book of Reference are held by the Warwickshire County Record Office at QS111/150/1-3.) The track is shown as continuing into the parish of Coleshill.
- 2 A bridge over the River Cole is, however, of much older origin since it is shown on a Parish estate map of 1793 (as a gap in the river). (The plan is held by the City Council in the Central Reference Library, Archives section under reference 604594.) The track on both sides of the river is shown on the first edition of the Ordnance Survey one inch map of 1834. (Published as a reprint by David and Charles.)
- 3 The track is shown as a continuous route crossing the River Cole on the first edition of the Ordnance Survey six inch map (1880's).
- 4 The continuation of this track into the then parish of Coleshill is recorded on their 1950's survey plan, as the first stage in the preparation of the Warwickshire Definitive Map, as a public footpath, with the number '39'.
- 5 Although the track is not recorded on the (undated) City Council map of public rights of way, a path going south from Babbs Mill (RA Ref. BAP 60) is recorded on it. The fact that it terminates on the track clearly indicates that the track itself must be public, but is considered to be of a higher status, as suggested by the evidence in item 1, above.
- 6 The access from the junction of Millhouse and Gressal Lane has a gate to prevent access by vehicles, but with a gap at the side for pedestrian access. Part of this track, beside Babbs Mill Cottage, has been fenced off as a parking/turning area for the cottage, but a footpath has been left around the south-east side. This suggests that the property owner/occupier accepts that there is a public right of way on foot. There are no signs indicating that the track is private, and only parts are surfaced with tarmac, the remainder being gravelled.
- 7 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.

Extract from Coleshill Parish Return (1950s) for the
Warwickshire Definitive Map

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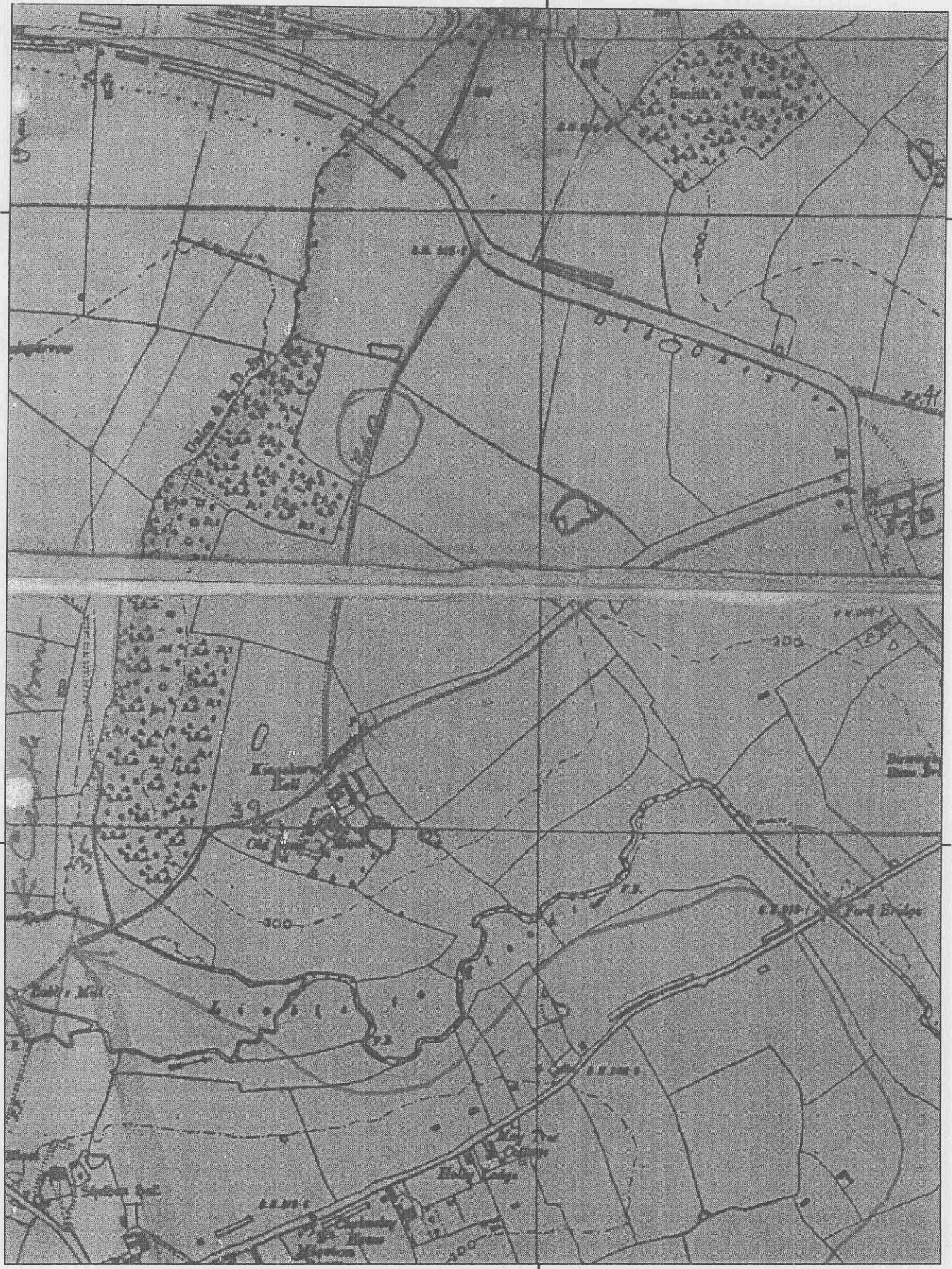
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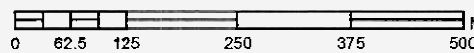
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Warwickshire
County Council

COUNTRYSIDE RECREATION