

RA Ref. BAP 62/63

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][hyway open to all traffic]~~

~~from:~~

~~to:~~

]

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

~~from:~~ following south side of Kendrate Avenue

~~to:~~ then south beside east end of playing fields

]

~~[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 7DQ

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

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

~~[adding the [footpath][bridleway][byway open to all traffic]  
from: following south side of Kendock Avenue  
to: then south beside east end of playing fields ]~~

~~[[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: ]~~

Dated: 21/8/08

Signed: S G Wallgrove

RA Ref. BAP 62/63

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 B4 7DQ*

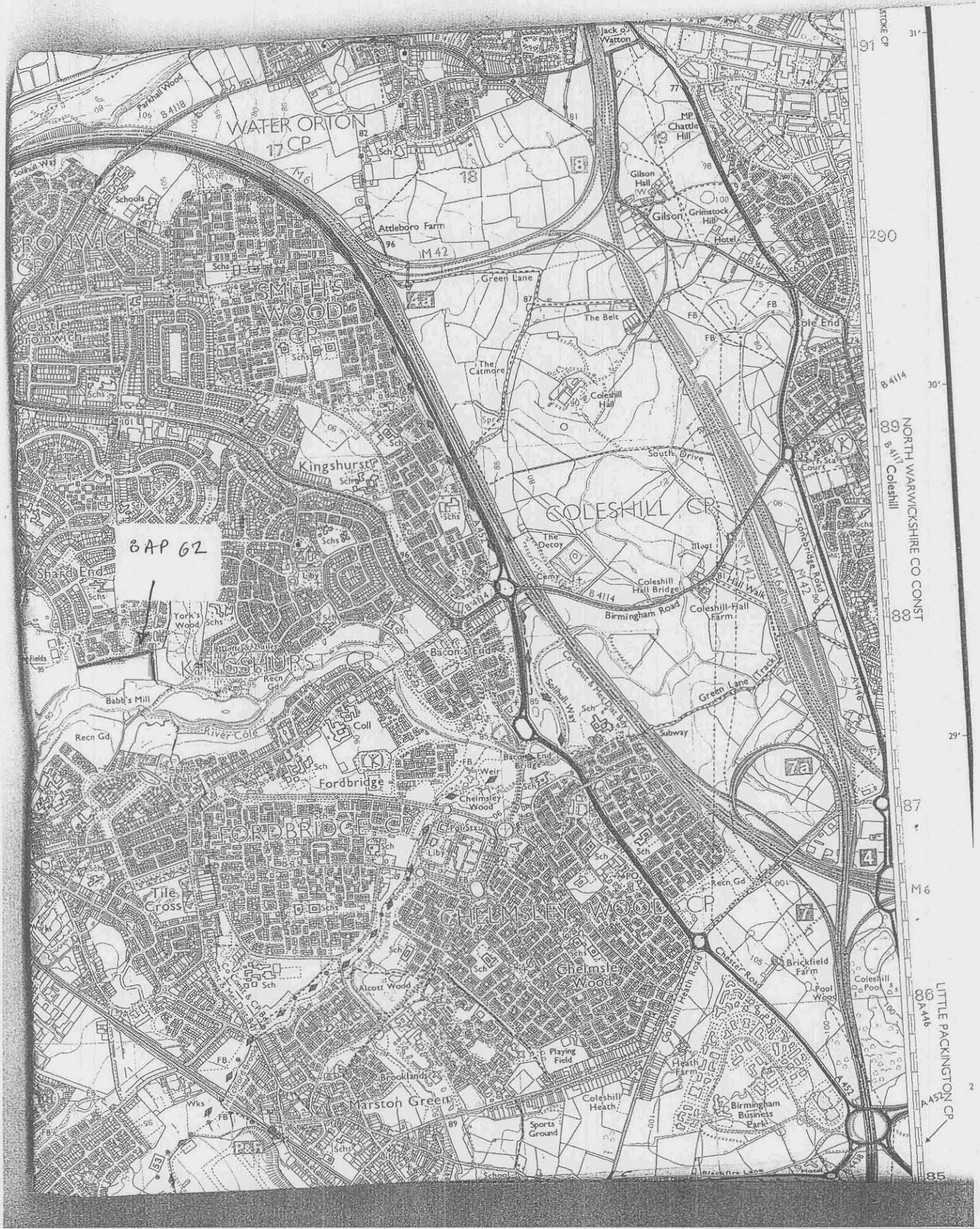
We, the Ramblers Association, Warwickshire Area  
c/o S. G. Wallsgrove, Area Footpath Secretary, 26 Priory Road, Warwick CV34 4NA

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: *21/8/08*

Signed: *S G Wallsgrove*



BAP 62

WATER ORTON  
17 CP

SMITH'S  
WOOD CP

KINGSBURST  
CP

FORDBRIDGE  
CP

CHELMSLEY  
WOOD CP

COLESHILL CP

NORTH WARWICKSHIRE CO CONST  
B4114 Coleshill

LITTLE PACKINGTON CP  
B452

STONE CP

290

30'

29'

87

M6

85

2

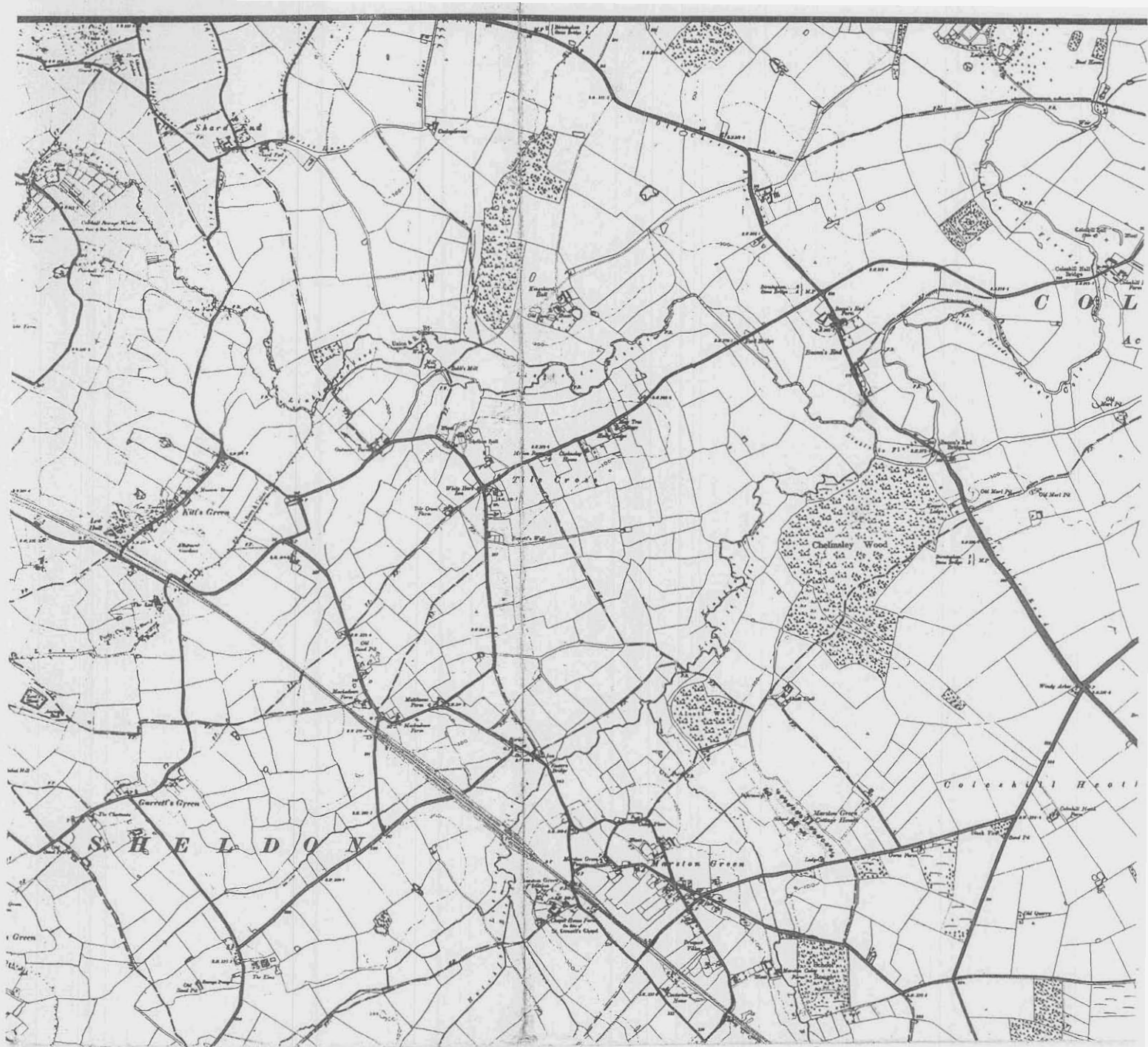
Statement of Evidence for Path Claim BAP 62

- 1 The original route of the path is shown, and labelled 'FP', on the first edition of the Ordnance Survey six inch map (1880's).
- 2 This route is included on the 1937 Footpaths Map of Warwickshire (Section One) published by the Ramblers Association (Midland Federation). A note on the map states that "only those tracks, which, from the best information available, are understood to be reputed public ways" are recorded on it.
- 3 The whole of the section of the path in Birmingham was diverted by a Quarter Sessions Highways Order of 1949, with a Certificate of Completion dated 3 May 1960. The new route followed the estate roads, but with a public footpath from Hillstone Road south, beside Kendrick Road, then east to the original path by York Wood. (The Order is held by the City Council in the Central Reference Library, Archives section at QS/B/21/4 (Box 17, item 4).)
- 4 The plan prepared by the then Coleshill Parish Council as the first stage in the preparation of the Warwickshire Definitive Map recorded the continuation of this path as a public footpath.
- 5 The path along the north edge of the Shard End Playing Fields has a good, tarmac, surface but there is no visual evidence that a footbridge ever existed across the canalised stream, the existing engineered finish having the appearance of probably being completed in the 1950's. There is, however, a tarmac surfaced path on the west bank of this stream which goes south to the present City boundary. This suggests that the path diversion was modified on the ground, although the Order itself was not revised or replaced. The Ordnance Survey 'Pathfinder' map of 1986 shows that this path existed by that date and, therefore, has been in use for over 20 years.
- 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.



Ramblers Association (Midland Federation)

[FIRST PUBLISHED IN 1937]



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

417000



417000

Title:

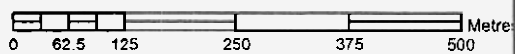
Subtitle:

Produced By:

Date:



Scale: 1:8,000



Warwickshire  
County Council  
COUNTRYSIDE RECREATION