

RA Ref. BAP 73

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, One-wayway, 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: (a) Mackadown Lane to (b) Valepits Road

to: Baunetop Road Aarretts Green Lane]

~~[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: 16/9/08

Signed: S G Wallsgrave

RA Ref. BAP73

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. Wallsgrove, Area Footpath Secretary, 26 Priory Road, Warwick CV34 4NA

hereby give notice that on: *16/9/08*

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: *(a) Muckadown Lane (b) Valepits Road*

to: *Bannerley Road Carretts Green Lane*

~~[[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: *16/9/08*

Signed: *SG Wallsgrove*

RA Ref - BAP 73

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

of: *1 Lancaster Circus, Queensway, Birmingham B4 7 DQ*

We, the Ramblers Association, Warwickshire Area
c/o S. G. Wallgrove, 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: *16/9/08*

Signed: *S.G. Wallgrove*

*NB Notice also sent to
Network Rail*

Statement of Evidence for Path Claim BAP 73

- 1 The north-east end of the original path was created by the Sheldon Inclosure Award of 1813, through allotment No.135, being the 7th public footpath so created. (Held by Warwickshire County Record Office at QS75/96.)
- 2 The path is shown on the deposited plans for the Leicester and Birmingham Railway, and branches, 1845. The Book of Reference describes parcel 11, in Sheldon Parish, as "Footpath", with the owner being given as the Surveyor of Highways for Sheldon. (Held by Warwickshire County Record Office at QS111/158.) The plan also shows the path as crossing the then existing London and Birmingham Railway.
- 3 The path is shown on the first edition of the Ordnance Survey six inch map (1887).
- 4 The path is shown on the deposited plans for the London, Midland and Scottish Railway (additional lands) 1936. The Book of Reference describes parcels 23 and 25 as "Field and Public Footpath", the owners including the Lord Mayor, Aldermen and Citizens of the City of Birmingham. (Held by WCRO at QS111/653.)
- 5 The path is recorded on the Footpaths Map of Warwickshire (Section One) published by the Ramblers Association (Midland Federation) in 1937. 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.
- 6 The path is shown, and labelled 'FP', on the Ordnance Survey 1/25,000 sheet SP18 Birmingham (East) of 1951 (main roads revised 1977).
- 7 The area had been developed, with an industrial estate, by the time of the Ordnance Survey 'Pathfinder' map (sheet SP08/18) of 1986. The map shows that the ends of the path survived but that the central section had been lost. No Highway Diversion Order has been found.
- 8 The section over the railway was diverted by the Birmingham City Council (Footpath linking Bannerley Road to Mackadown Lane, Shard End) Rail Crossing Diversion Order 1999, and specified that the new path was to be 2m wide. The Order was confirmed on 20 January 2000.
- 9 The western section of the remaining path is now called 'Sheldon Walk' and has a good, tarmac, surface. The eastern section has a mixture of surfaces, and is *in* variable condition.
- 10 Both sections of the path are recorded on the (undated) City Council map of public rights of way.
- 11 It is considered, therefore, that it is reasonable to allege that both sections of the route subsist as public footpaths and should be recorded as such on the Definitive Map