

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. 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 ^{restricted byway} [footpath][bridleway][byway open to all traffic]
from: Tunnel Lane (estate road)
to: Hifford 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: 7/9/08

Signed: S. Wallsgrove

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 Maps

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: 7/9/08

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:

restricted byway

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

from: Tunnel Lane (estate road)

to: Lifford 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:

7/9/08

Signed:

S.G. Wallsgrove

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:

7/9/08

Signed:

S. G. Wallsgrove

*NB notice also sent to
British Waterways*

57' 52' 51' 50' 49' 48' 47' 46' 45' 44' 43' 42' 41' 40' 39' 38' 37' 36' 35' 34' 33' 32' 31' 30' 29' 28' 27' 26' 25' 24' 23' 22' 21' 20' 19' 18' 17' 16' 15' 14' 13' 12' 11' 10' 9' 8' 7' 6' 5' 4' 3' 2' 1' 0'

BIRMINGHAM, SELLY OAK BORO CONST
A 4020

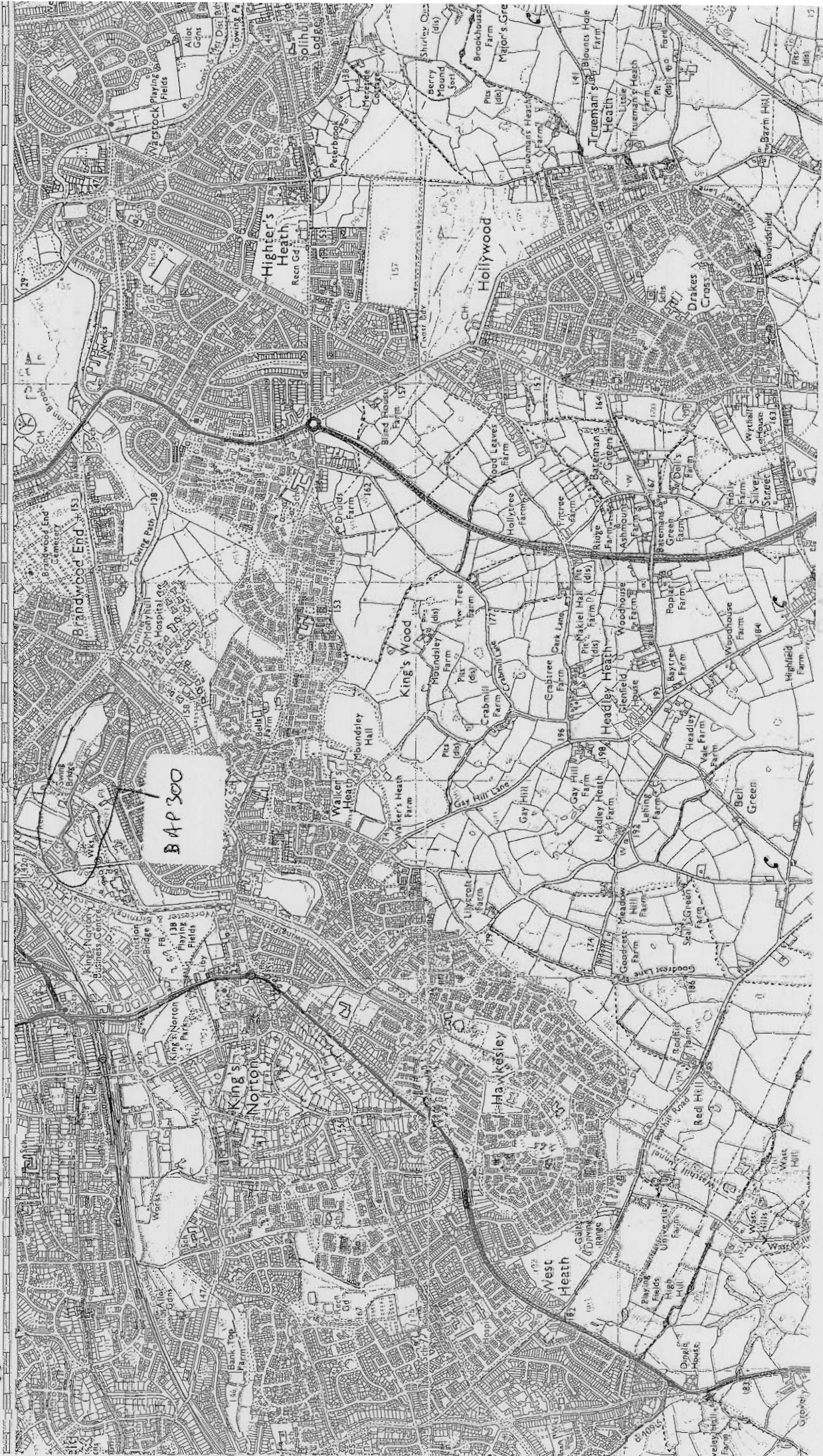
BIRMINGHAM, SELLY OAK BORO CONST
A 4020

BIRMINGHAM, HALL GREEN BORO CONST
A 435

BIRMINGHAM, HALL GREEN BORO CONST
A 435

Perth Road Railway road

BAP 300



Statement of Evidence for Path Claim BAP 300

- 1 The route is first recorded in 1792 on the deposited plans for the Stratford on Avon Canal as a 'road'. (Held by Warwickshire County Record Office at QS111/8/1.) The 1793 Act of Parliament for the canal, which authorised the closure, diversion or alteration of any affected highway, can be seen in the same record office at CR347/9 or D346 Act(P).
- 2 The route is shown on the map with the Kings Norton (Moundsley Yield) Tithe Apportionment of 1840 as a road, divided by the farmyard at Red House Farm. (Held by the City Council in the Central Reference Library.) The two parcels forming the road, numbers 2439 and 2450, are recorded in the Book of Reference as being not subject to tithes, which is normal for land which forms the waste of the manor. (A public road is a special type of 'waste'.)
- 3 The east end of the route was diverted, as a public road, onto a new street (to be called Tunnel Lane) by a Quarter Sessions Highways Order of 1949, with a Certificate of Completion dated 21 May 1954. (Order held by the City Council in the Central Reference Library, Archives section, at QS/B/21/4 (Box 17, item 6).)
- 4 The relevant Minutes of the Public Works Committee for January to March 1949, at page 97, records the decision of the Justices and describes the ld route as "a narrow and uneven country lane without footpaths". (Held by the City Council in the Central Reference Library at BCC/AO.)
- 5 The bridge over the canal was replaced in 1945 due to damage by a lorry (Birmingham Post 20 May 1947), and was replaced again by a swing bridge (now fixed back due to vandalism).
- 6 Since that time, the section south of the canal has not been used by motor vehicles and only has a gravel surface. The section to the north, although used by motor vehicles, has apparently only been used for access to frontage properties and (except for the last 200 m to Lifford Lane, which is surfaced with tarmac) has a broken surface of various materials.
- 7 The route is recorded on the (undated) City Council map of public rights of way as a footpath.
- 8 It is considered, therefore, that it is reasonable to allege that the route subsists as a restricted byway (with private vehicle rights for motorised vehicles along the west half) and should be recorded as such on the Definitive Map.