
Order Decision

On papers on file.

by Barney Grimshaw BA DPA MRTPI(Rtd)

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 12 March 2021

Order Ref: ROW/3252487

- This Order is made under Section 53(2)(a) of the Wildlife and Countryside Act 1981 and is known as The Warwickshire County Council Definitive Map Modification Order, Parishes of Ashow and Kenilworth, Sheet SP37SW, Order No. 1 2020, Sections of Path Nos. W212 and W219.
- The Order is dated 11 March 2020 and proposes to modify the Definitive Map and Statement for the area by deleting one section of footpath and upgrading another to bridleway status as shown on the Order Maps and described in the Order Schedule.
- In accordance with Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 I have given notice of my proposal to confirm the Order with modifications to modify the status of one section of footpath to Restricted Byway.

Summary of Decision: The Order is confirmed subject to the modifications that I proposed previously and one further minor modification.

Procedural Matters

1. The effect of the Order if confirmed subject to the modifications I proposed in paragraph 17 of my interim decision issued on 4 November 2020 would be to show a section of the Order route (Points A to B on the Order Maps), shown as a Footpath on the definitive map, as a Restricted Byway and to show another section (Points B to D) as a Bridleway rather than a Footpath.
2. One representation was made to the proposal following advertisement of the notice and deposit of the associated documents relating to the proposed modifications. This concerned the possible effect of the Order on private access rights and a proposed cycleway scheme. This is no longer being pursued as the order does not affect these matters. No objections were made to the proposed modifications.
3. In addition, the Order Making Authority has requested a further modification to the description of Bridleway W219 in Schedule II of the Order to make clear that it will now connect with Restricted Byway W212 not D7237 Rocky Lane as it has previously been known. I do not believe that any party will have been misled or had their interests prejudiced by the description in the Order but, in the interests of clarity, I propose to make the further modification requested.

Conclusions

4. Bearing in mind the above, I conclude that the Order should be confirmed subject to the modifications set out in paragraph 17 of my interim decision dated 4 November 2012 and the further modification described above.

Formal Decision

5. I confirm the Order subject to the following modifications:

- In the Order, delete the reference to section 53(3)(c)(iii) of the Wildlife and Countryside Act 1981;
- In the Schedule to the Order, Part I, delete the first two paragraphs and the sub-heading "**Description of path or way to be amended**" and add:

"Description of paths or ways to be amended

The section of the route shown on the Warwickshire Definitive Map as Public Footpath W212 and as a dashed black line between points A and B on the W212-W219/MEB/Order Plan 1 is to be shown as Restricted Byway W212

The section to be amended starts from a point on the D7079 Glasshouse Lane labelled Point A (Grid reference SP 3033 7134). It runs generally south east for approximately 230 metres to Point B (Grid Reference SP 3048 7117).

The width of the route is 15 metres."

- In the Schedule to the Order, Part II, delete the reference to the entry for W212 and add:

"W212

Restricted Byway

Length: 232 metres

Description

Surface type unspecified. Width 15 metres

From:

SP3033 7134

D7069 Glasshouse Lane

To:

SP3048 7117

W219

Map Sheet:

SP37SW

Connects with:

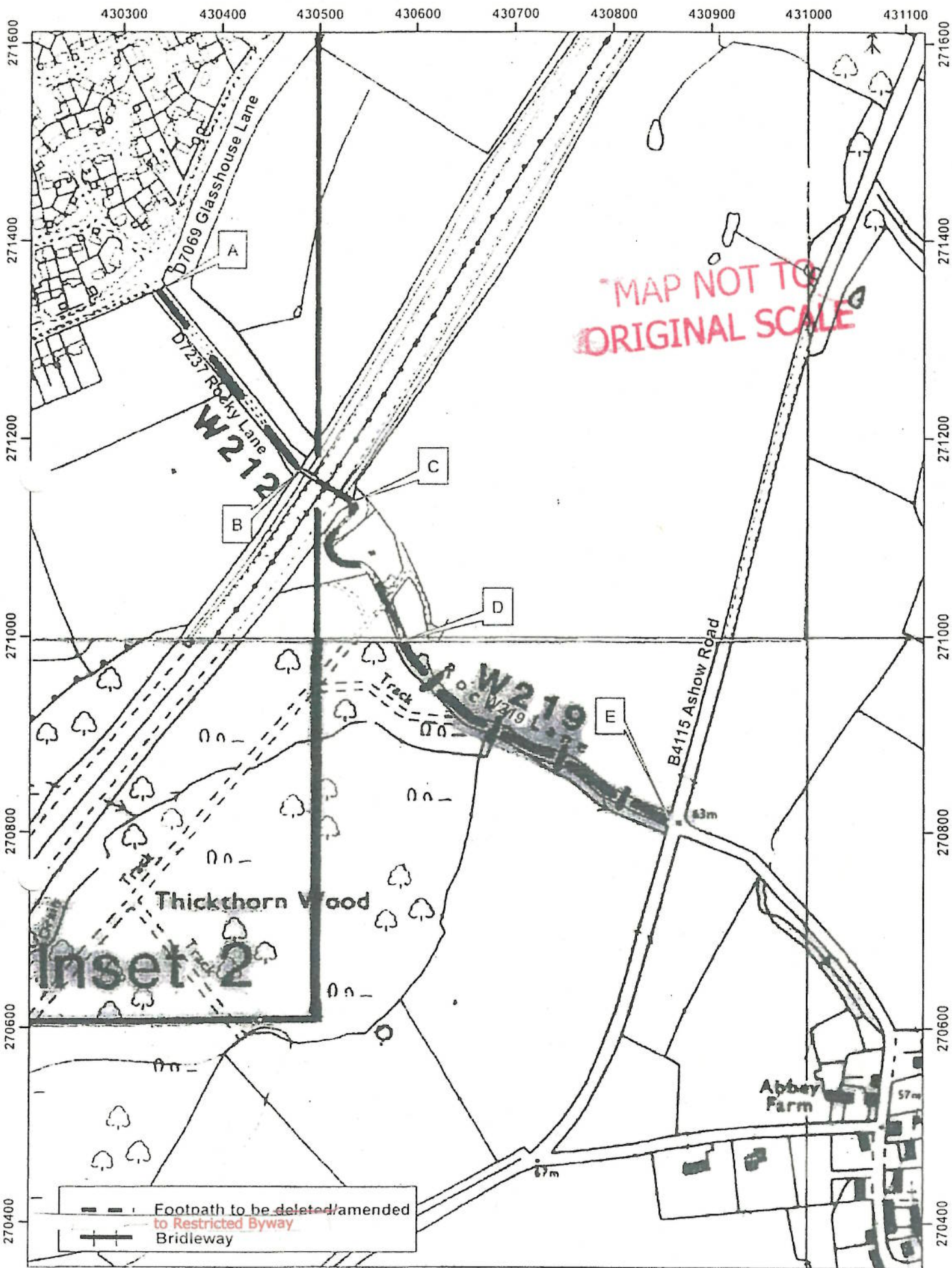
D7069 W219

Limitations/Conditions:"

- In the Schedule to the Order, Part II, delete the description of Bridleway W219 as running from "*SP 3048 7117 D7237 Rocky Lane*" and replace with "*SP3048 7117 W212*" and replace the description of the route connecting with "*D7237 B4115*" with "*W212 B4115*";
- Amend Order Plan 1 accordingly.

Barney Grimshaw

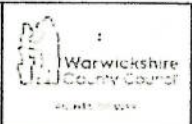
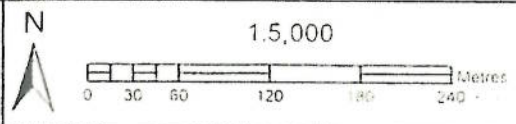
Inspector

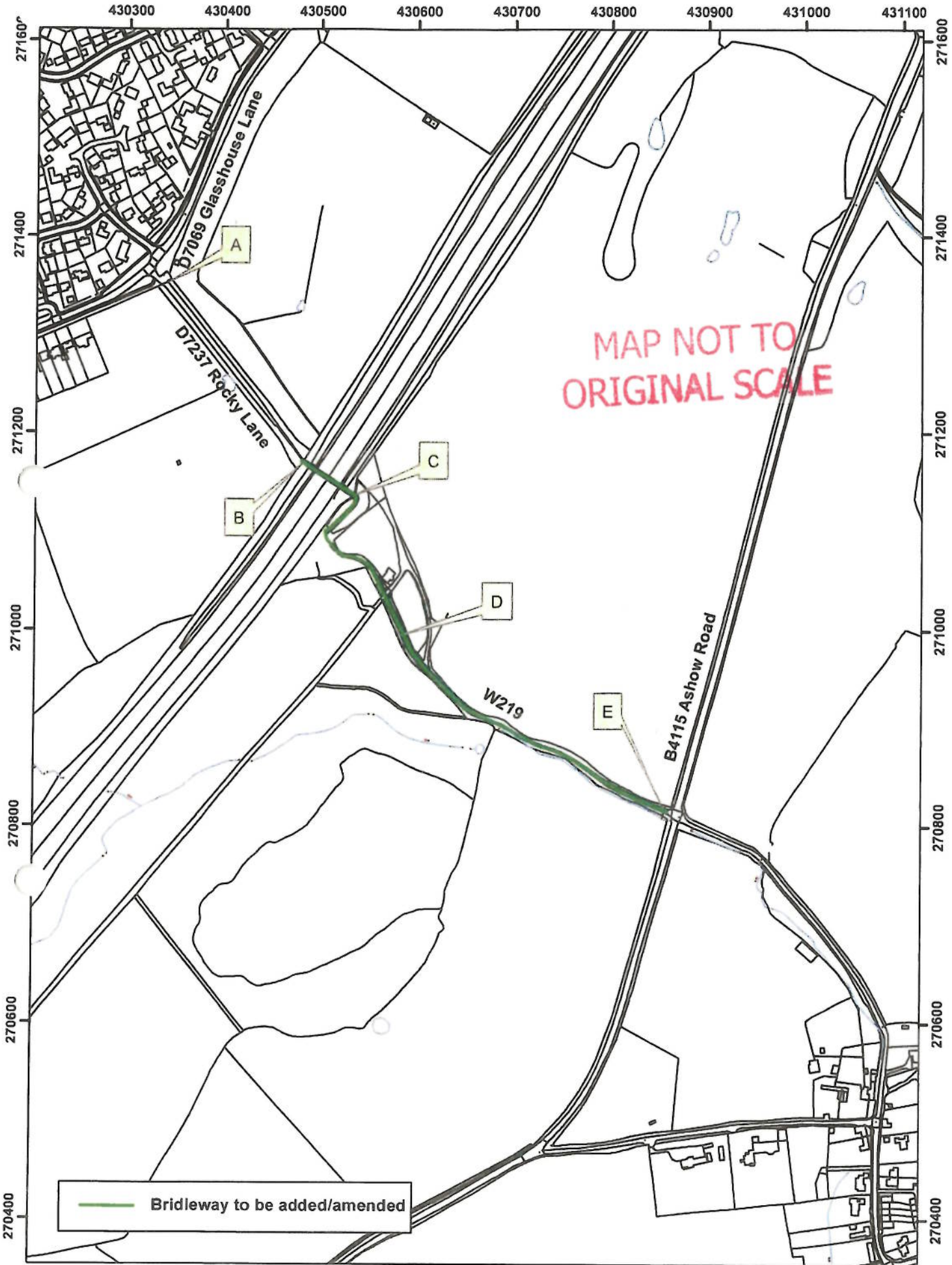


MAP NOT TO ORIGINAL SCALE

- - - Footpath to be deleted/amended to Restricted Byway
 + + + Bridleway

Title: W212-W219/MEB/OrderPlan1
 Subtitle
 Produced By: MER





Title: W212-W219/MEB/OrderPlan2
Subtitle:
Produced By: MEB
Date: 17/02/19

