

APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981
Definitive map and statement for the county of Solihull

To: Solihull Metropolitan Borough Council

Of: P. O. Box 19 Council House Solihull West Midlands B91 3TQ

I, John Willby of 10 Sunbury Road, Longbridge, Birmingham, West Midlands B31 4LJ hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for Solihull by adding a public byway open to all traffic between grid ref SP1977 7420 and SP1988 7331 as shown on the attached plan (ref: BLDMMO-1).

I attach copies, where possible, of the following evidence in support of this application:

- 1) "Chadwick End Quarter" Estate plan by Thomas Wedge 1780 (County Records Office ref: CF621/8). The entire route is shown on this map (See attached sketched copy ref BLEP-1). This is a well drawn out plan of the estate with fine detail and demonstrates cartographic skills of a high quality. All roads are coloured brown including Brook's Lane Road. Field boundaries are shown and many of the fields are named and have numbers in them. The northern part of Brook's Lane Road is shown as enclosed by hedges with the southern part crossing the heath land unenclosed.
- 2) 1787 Yates map. I have not managed to look at this map, as yet, but I am led to believe that it does show the northern part of the route. I will send off any further details as and when I can find a copy of it.
- 3) 1802 Balsall Inclosure Award and plan (County Records Office ref: QS75/52). Surveyed by Stephen Godson and John Eagle. A sketched copy of the inclosure award plan is attached (ref BLIA-1). The plan is not a complete drawing of the extent of any of the roads in Netherwood Heath. It only shows parts of the roads. It only shows the southern part across the Heath and part of the northern section from where M171 joins the road. Against the lane is written "Brook's Lane". It also only shows part of Arbour Tree Lane which is now an accepted public road. The award document refers to Brook's Lane Road as a "Public Carriage and Drift Road" and

was allotted 40 feet in width.

- 4) 1821 Map by C&G Greenwood (County Records Office ref: MA 1834). This map does not show the route. It only shows one road across Netherwood Heath and does not show the Road from Netherwood Heath cross-road to Chadwick End either.
- 5) 1825 plan of proposed deviations and branch Lines on the Birmingham, Warwick and Warmington Road (County Records Office ref: QS111/51/1). This plan shows the Northern part of Brook's Lane Road, along with other accepted roads, coloured yellow and with no barriers.
- 6) 1830 Ordinance survey one inch to one mile map by Colonel Colby (See attached photocopy ref: BLCM-1). Shows whole route as part of the accepted road network. This map depicts Brook's Lane Road quite accurately and gives supporting evidence to the accuracy of the Thomas Wedge Estate plan.
- 7) 1841 Tithe map of Balsall by John Holbeche which includes Netherwood heath (County Records Office ref: CR328/22/3). The entire route is depicted on this map (see attached sketched copy of the plan ref: BLTM-1). The southern end across the Heath, and the other roads composing Netherwood Heath cross-road, are all depicted by pecked lines. I assume this means there was no clearly delineated hedged boundaries across the heath land? The entire route is shown as unclaimed and thus must have been accepted as a public road.
- 8) 1877 Balsall Carriage Road Highways Order (County Records Office ref: QS47/131). Shows whole of Brook's Lane Road and has it coloured in with no barriers. Clearly depicted as part of the road network of Balsall and Knowle.
- 9) 1889-1891 First edition Ordinance Survey map. Shows entire route (see attached copy ref: BLOS-1). On this map the route is depicted as being of similar status to Baddesley Lane and Arbour Tree Lane.
- 10) 2nd Edition OS and 3rd Edition OS all show the route as part of the accepted road network.
- 11) 1904 Bacon Map of Warwickshire shows Brooks Lane (see attached printed copy of a digital image of the map ref: BLB-1) as part of the road network. Oddly this map omits Arbour Tree Lane.
- 12) 1911, 1937, 1947 and 1954 Bartholomew Cycle & Touring Maps. The entire route is depicted on the 1911 map but is described as "an inferior road for cyclists" (see attached reproduced digital image ref: BLBCM-1) . This is also the case however with Baddesley Lane and Arbour Tree Lane. The road to Chadwick End being depicted as an "indifferent road" and "passable to cyclists". On the 1937 map the southern part is depicted as a "Good secondary Road" (see attached reproduced digital image ref: BLBCM-2) and compares with Baddesley Lane and Arbour Tree Lane which are also so depicted. The northern part is depicted as "other roads". The depiction of Brook's Lane road remains the same on the 1947 and 1954 Bartholomew maps. I surmise from this that, as the roads on the map

crossed?
book of reference?

were revised in the light of reports of usage submitted by the Cycle Touring Club, at some stage between 1911 and 1937 (unfortunately I am having trouble obtaining the 1927 version of this map) that the southern end of the road was being used by cyclists.

- 13) 1938 Street works plan by Coventry Corporation Waterworks and Street works (County Records Office ref: QS111/656). This has a plan for Netherwood heath included in it that depicts works running from the A41 through Netherwood Heath and heading towards the canal. It passes two roads (both called "road"). I think one of these could be Brook's Lane Road but I am not entirely sure.

For further consideration:

- a) 1910 Finance Act index map (public records office Kew ref: Class IR58). I have not as yet been able to get to look at this but will send off any further details as and when I can find the time to travel to London to see this.
- b) User evidence. There is no current user evidence due to the fact that in 1996 the Land Owner (Mr Norman Moore) was instructed by the council to erect a locked gate across the entrance to the road at the Netherwood Heath cross-road end and to add a stile at the side for walkers. The northern part of the road from the corner where it meets footpath M171 is totally obstructed to any access of any kind. I am not able to produce any user evidence for prior to 1996, other than that hinted at by Bartholomew Cycle map, at present. Should any further user evidence come to light I will submit it.

I hereby conclude that on balance it can be demonstrated that there is good providence for this route. Considering the extent and weight of evidence I see no reason why it should not be accepted as a public road. It should be added to the definitive map and statement at the earliest possible time.

Dated:

30/3/2005

Signed:

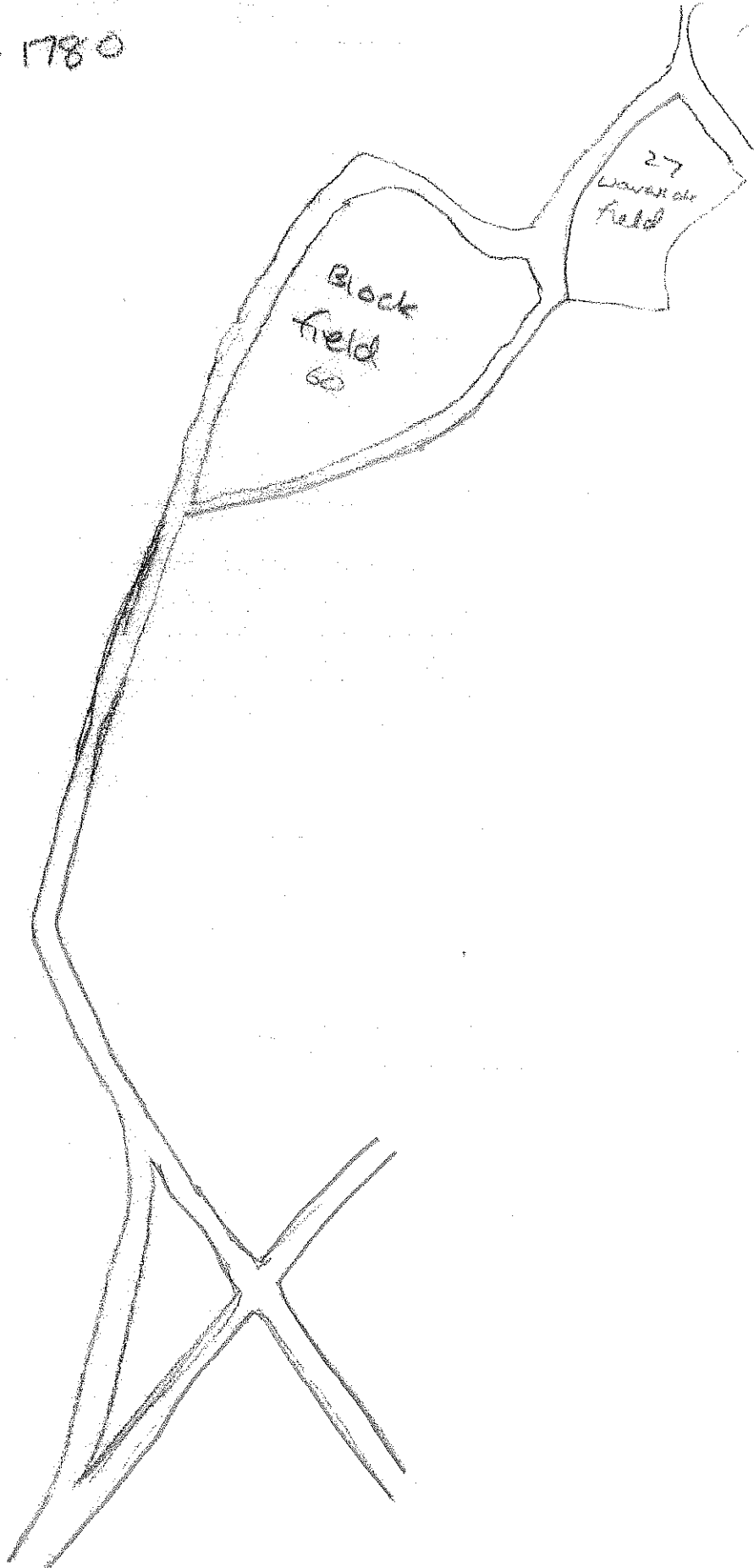
V. HULL

Estate Map

Chadwick End Quarter

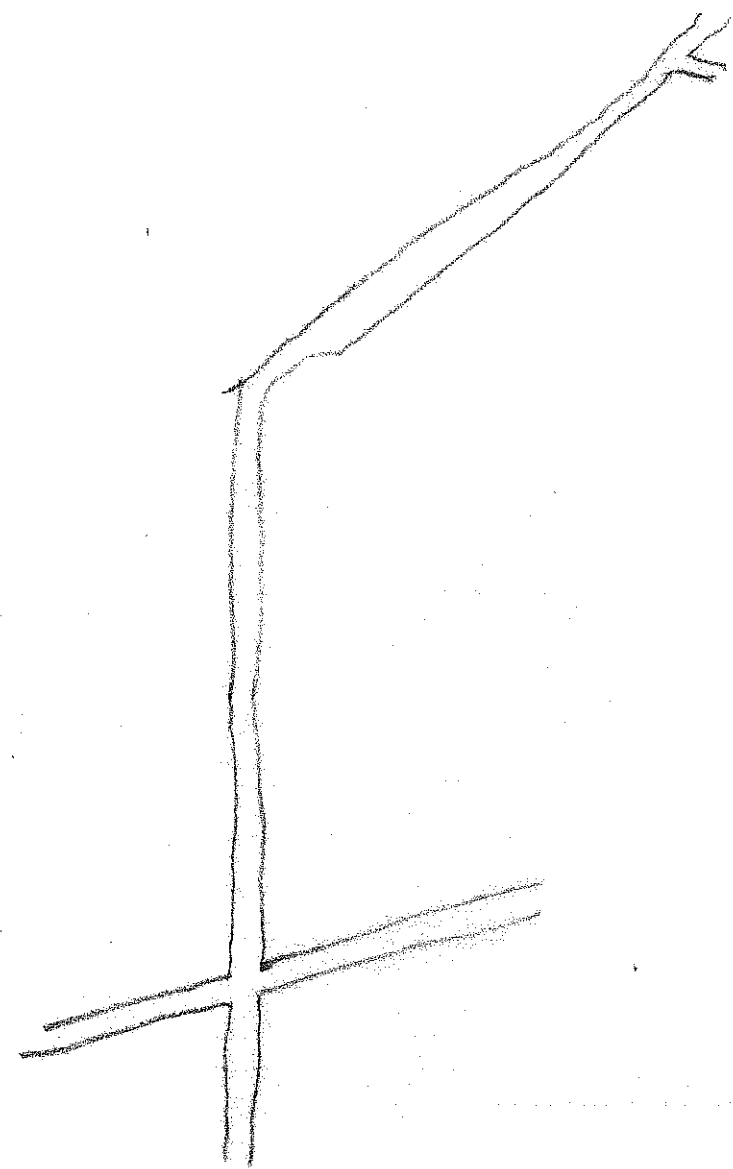
Thomas Wedge

1779 - 1780



All roads marked in Brown

Brook's Lane



Godstrey Lane

INCLOSURE
 AUSTIN'S
 1805 L

STEPHEN
 JOHN
 GADSDEN

Q5 75 B2

