

# **NOTICE OF ORDER**

## **WILDLIFE AND COUNTRYSIDE ACT 1981**

### **SECTION 53**

Cornwall Council

(Upgrade of part of Footpath 2 Tregony to Restricted Byway and addition of Restricted Byways in the Parishes of Tregony & Cuby) Modification Order 2016

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **7 November 2017**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **The Council Chamber, St Austell Council Offices, 39 Penwinnick Road, St Austell, Cornwall, PL25 5DW** on **Tuesday 10 April 2018** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the definitive map and statement for the area by upgrading a length of existing Footpath No.2 in the Parish of Tregony commencing at its junction with Byway Open to All Traffic No.4 Tregony on "Well Lane" approximately 299 metres west-north-west of "Ryecroft Lodge" at Ordnance Survey Grid Reference (OSGR) SW 9232/4472, thence continuing in a generally east-south-easterly direction for 325 metres to a point approximately 35 metres south of "Ryecroft Lodge" where the path is in moiety between the parishes of Tregony and Cuby at OSGR 9262/4462, thence continuing in a generally easterly and then south-easterly direction for 103 metres to a point approximately 114 metres south-east of "Ryecroft Lodge" where it connects with a Restricted Byway to be added by this order at OSGR SW 9270/4458, thence continuing in a generally south-south-westerly direction for a distance of 23 metres to a point 116 metres south-east of "Ryecroft Lodge" at OSGR SW 9269/4456, thence continuing in the parish of Tregony in a generally south-south-westerly direction for a distance of 10 metres to a point where it connects with a footpath added by "The County of Cornwall (Addition of Footpath from Footpath No.2 Tregony to Footpath No. 23 Veryan) Modification Order 2007 and another Restricted Byway to be added by this order approximately 123 metres south-east of "Ryecroft Lodge" at OSGR 9268/4455. The order will also modify the definitive map and statement for the area by adding a length of Restricted Byway in the Parish of Cuby commencing at Unclassified Road U6098 ("Cuby Road") approximately 462 metres north-east of "Ryecroft Lodge" at OSGR SW 9298/4493, thence running in a generally south-westerly westerly and then south-

south-westerly direction for a distance of 505 metres and terminating at its junction with Footpath 2 in Tregony (to be upgraded to Byway Open to All Traffic by this Order) at the Tregony-Cuby parish boundary approximately 114 metres south-east of "Ryecroft Lodge" at OSGR SW 9270/4458. The order will also modify the definitive map and statement for the area by adding a length of Restricted Byway in the Parish of Tregony commencing at a junction with Footpath No.2 Tregony (to be upgraded to Byway Open to All Traffic by this Order) and a footpath added by "The County of Cornwall (Addition of Footpath from Footpath No.2 Tregony to Footpath No. 23 Veryan) Modification Order 2007 approximately 123 metres south-east of "Ryecroft Lodge" at OSGR SW 9268/4455, thence running in a generally south-south-westerly direction for 630 metres terminating at County Road A3078 in the hamlet of 'Reskivers' approximately 662 metres south-south-west of "Ryecroft Lodge" at OSGR SW 9237/4404.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: [helen.sparks@pins.gsi.gov.uk](mailto:helen.sparks@pins.gsi.gov.uk) Please quote reference number ROW/3181626 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at the offices of Cornwall Council at Front of House reception, Pydar House, Pydar Street, Truro, Cornwall, TR1 1XU. This is by appointment, during normal office hours (excepting Public and Bank Holidays). To arrange a viewing, please contact Mr Steve Dyer on Telephone Number 01872 322068.

### **Timetable for sending in statements of case and proofs of evidence**

#### **Within 8 weeks of the start date by [by 2 January 2018]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 13 February 2018]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

#### **4 weeks before the date of the inquiry [by 13 March 2018]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

CORNWALL COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE  
FORMER CARRICK DISTRICT AREA

THE CORNWALL COUNCIL (UPGRADE OF PART OF FOOTPATH 2 TREGONY  
TO RESTRICTED BYWAY AND ADDITION OF RESTRICTED BYWAYS IN THE  
PARISHES OF TREGONY AND CUBY)) MODIFICATION ORDER 2016

This Order is made by Cornwall Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the definitive map and statement of public rights of way for the former Carrick district area requires modification in consequence of the occurrence of an event specified in Section 53(3)(c)(ii) of the Act, namely the discovery of evidence that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description, and an event specified in Section 53(3)(c)(i) of the Act, namely the discovery of evidence which (when considered with all other relevant evidence available) shows that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the Map relates.

The Cornwall Council hereby order that:

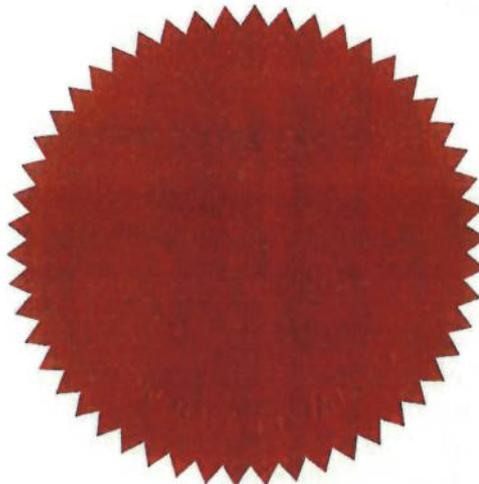
1. For the purposes of this order the relevant date is 07 October 2016.
2. The Definitive Map and Statement of Public Rights of Way for the former Carrick district area shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as, "The Cornwall Council (Upgrade of part of Footpath 2 Tregony to Restricted Byway and Addition of Restricted Byways in the parishes of Tregony and Cuby) Modification Order 2016".

GIVEN under the Common Seal of The Cornwall Council this *16<sup>th</sup>* day of *December* 2016.

THE COMMON SEAL of  
THE CORNWALL COUNCIL  
Was hereunto affixed in the  
presence of:

*C. J. Oll*

Authorised signatory



0 1 7 1 2 3

## SCHEDULE

### PART I

#### Modification of Definitive Map

##### Description of Path or Way to be Upgraded

A length of existing Footpath No. 2 in the Parish of Tregony commencing at its junction with Byway Open to All Traffic No. 4 Tregony on "Well Lane" approximately 299 metres west-north-west of "Ryecroft Lodge" at Ordnance Survey Grid Reference (OSGR) SW 9232/4472 shown as point "C" on the map attached to this order thence continuing in a generally east-south-easterly direction for 325 metres to a point approximately 35 metres south of "Ryecroft Lodge" where the path is in moiety between the parishes of Tregony and Cuby at OSGR 9262/4462 shown as point D on the map attached to the Order thence continuing in a generally easterly and then south-easterly direction for 103 metres to a point approximately 114 metres south-east of "Ryecroft Lodge" where it connects with a Restricted Byway to be added by this order at OSGR SW 9270/4458 shown as point "B" on the map attached to this order thence continuing in a generally south-south-westerly direction for a distance of 23 metres to a point 116 metres south-east of "Ryecroft Lodge" at OSGR SW 9269/4456 shown as point "E" on the map attached to this Order thence continuing in the parish of Tregony in a generally south-south-westerly direction for a distance of 10 metres to a point where it connects with a footpath added by "The County of Cornwall (Addition of Footpath from Footpath No. 2 Tregony to Footpath No. 23 Veryan) Modification Order 2007 and another Restricted Byway to be added by this order approximately 123 metres south-east of "Ryecroft Lodge" at OSGR 9268/4455 shown as point "F" on the map attached to this order.

The total length of Footpath 2 to be upgraded is 461 metres. The width of the Restricted Byway described varies between 3 (three) metres and 6 (six) metres, in accordance with the depiction of the way on map sheets Cornwall LXIII.12 & LXIII.16 from the Ordnance Survey County Series Second Edition published at 1:2500 scale.

##### Description of Paths or Ways to be Added

A length of Restricted Byway in the Parish of Cuby commencing at Unclassified Road U6098 ("Cuby Road") approximately 462 metres north-east of "Ryecroft Lodge" at OSGR SW 9298/4493, shown as point "A" on the map attached to this order thence running in a generally south-westerly westerly and then south-south-westerly direction for a distance of 505 metres and terminating at its junction with Footpath 2 in Tregony (to be upgraded to Byway Open to All Traffic by this Order) at the Tregony-Cuby parish boundary approximately 114 metres south-east of "Ryecroft Lodge" at OSGR SW 9270/4458 shown as point "B" on the map attached to this order.

A length of Restricted Byway in the Parish of Tregony commencing at a junction with Footpath No.2 Tregony (to be upgraded to Byway Open to All Traffic by this Order) and a footpath added by "The County of Cornwall (Addition of Footpath from Footpath No. 2 Tregony to Footpath No. 23 Veryan) Modification Order 2007 approximately 123 metres south-east of "Ryecroft Lodge" at OSGR SW 9268/4455, shown as point "F" on the map attached to the Order, thence running in a generally south-south-westerly direction for 630 metres terminating at County Road A3078 in the hamlet of 'Reskivers' approximately 662 metres south-south-west of "Ryecroft Lodge" at OSGR SW 9237/4404 shown as point "G" on the map attached to this order.

The total length of Restricted Byway to be added to the Definitive Map is 1135 metres. The width of the Restricted Byway described varies between 3 (three) metres and 6 (six) metres, in accordance with the depiction of the way on map sheets Cornwall LXIII.12 & LXIII.16 from the Ordnance Survey County Series Second Edition published at 1:2500 scale.

## PART II

### Modification of Definitive Statement

#### Particulars of Path or Way to be Added

In the Definitive Statement for the Parish of Cuby				
No.	Location	Average width	Minimum width	Maximum width
	RB from Unclassified Road U6098 at Cuby Close to RB Tregony at Tregony-Cuby parish boundary	-	3 metres	6 metres

In the Definitive Statement for the Parish of Tregony				
No.	Location	Average width	Minimum width	Maximum width
	RB from junction of BW 2 Tregony with BW 4 Tregony to County Road A3078 at Reskivers	-	3 metres	6 metres

	Footpath from RB to Reskivers to Footpath No. 23 Veryan in the parishes of Tregony and Veryan subject to the limitation of two stiles and one gate	4'0"	1.5 metres	2.5 metres
2	BW from B3287, Tregony to junction with BW 4 Tregony and RB to Reskivers	4'0"	-	-
4	BW from junction of RB to Reskivers & BW 2 to The Square, Tregony	8'0"	-	-

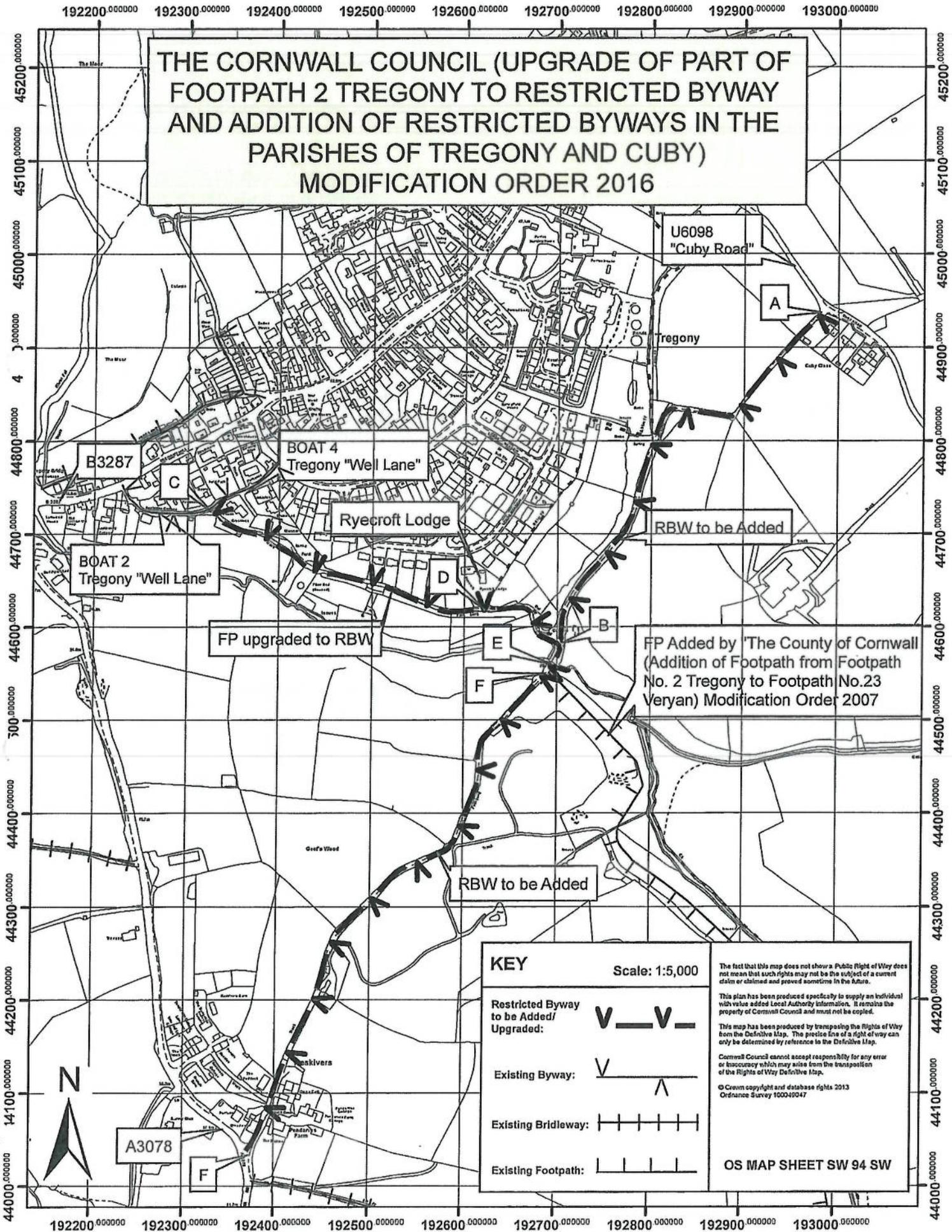
Particulars of Path or Way to be Deleted:

Existing particulars in the Definitive Statement for the Parish of Tregony:				
No.	Location	Average Width	Minimum Width	Maximum Width
	Footpath from RB to Reskivers to Footpath No. 23 Veryan in the parishes of Tregony and Veryan subject to the limitation of two stiles and one gate	-	1.5 metres	2.5 metres
2	BW from B3287, Tregony to junction with BW 4 Tregony and RB to Reskivers	4'0"	-	-
4	BW from junction of RB to Reskivers & BW 2 to The Square, Tregony	8'0"	-	-

MAP NOT TO ORIGINAL SCALE



THE CORNWALL COUNCIL (UPGRADE OF PART OF FOOTPATH 2 TREGONY TO RESTRICTED BYWAY AND ADDITION OF RESTRICTED BYWAYS IN THE PARISHES OF TREGONY AND CUBY) MODIFICATION ORDER 2016



B3287

BOAT 4 Tregony "Well Lane"

Ryecroft Lodge

BOAT 2 Tregony "Well Lane"

FP upgraded to RBW

U6098 "Cuby Road"

FP Added by 'The County of Cornwall (Addition of Footpath from Footpath No. 2 Tregony to Footpath No.23 Veryan) Modification Order 2007

RBW to be Added

KEY Scale: 1:5,000

Restricted Byway to be Added/ Upgraded: V \_ V \_

Existing Byway: V ^

Existing Bridleway: | | | | |

Existing Footpath: | | | | |

The fact that this map does not show a Public Right of Way does not mean that such rights may not be the subject of a current claim or claimed and proved sometime in the future.

This plan has been produced specifically to supply an individual with value added Local Authority information. It remains the property of Cornwall Council and must not be copied.

This map has been produced by transposing the Rights of Way from the Definitive Map. The precise line of a right of way can only be determined by reference to the Definitive Map.

Cornwall Council cannot accept responsibility for any error or inaccuracy which may arise from the transposition of the Rights of Way Definitive Map.

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OS MAP SHEET SW 94 SW

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT  
OF PUBLIC RIGHTS OF WAY  
FOR THE FORMER  
CARRICK DISTRICT COUNCIL AREA

THE CORNWALL COUNCIL  
(UPGRADE OF PART OF FOOTPATH 2  
TREGONY TO RESTRICTED BYWAY  
AND ADDITION  
OF RESTRICTED BYWAYS IN THE  
PARISHES OF TREGONY AND CUBY)  
MODIFICATION ORDER 2016

MADE BY CORNWALL COUNCIL ON:

I Certify that this is a proper copy  
of the Order as it was:

MADE BY CORNWALL  
COUNCIL

Signed: 

Date: 14.12.2016