

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Cornwall Council

(Addition of a Footpath, Bridleways and a Restricted Byway together with the Upgrade of a Footpath to Bridleway at Rosemellyn and Hallow in the Parishes of Roche and Treverbyn) Modification Order 2017

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 **19 April 2018**.

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

The Inquiry will be held at the **Council Chamber, Cornwall Council Offices, 39 Penwinnick Road, St Austell, Cornwall, PL25 5DR** on **Wednesday 19 September 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:

Adding a length of Public Bridleway in the Parish of Roche commencing at Unclassified Road U6114 approximately 292 metres west-south-west of 'Fernlea Cottage' at Ordnance Survey Grid Reference (OSGR) SX 0061/5966 shown as point 'A' on the attached Order map then running in a generally northerly then east-north-easterly direction for a distance of 200 metres to its junction with Footpath Number 10 Roche approximately 105 metres west-south-west of 'Fernlea Cottage' at OSGR SX 0080/5970 shown as point 'B' on the attached map.

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 Please quote reference number ROW/3191893 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment during normal office hours (excepting Public and Bank Holidays) at the offices of Cornwall Council at Truro Information Centre, Pydar House, Pydar Street, Truro, Cornwall, TR1 1XU. To arrange a viewing, please contact Cornwall Information Centre on Telephone Number 0300 1234 100.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 14 June 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 26 July 2018]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ 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 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 22 August 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.

Notice of order for inquiry

¹ 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.

CORNWALL COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE
FORMER RESTORMEL BOROUGH AREA

THE CORNWALL COUNCIL (ADDITION OF A FOOTPATH, BRIDLEWAYS AND A
RESTRICTED BYWAY TOGETHER WITH THE UPGRADE OF A FOOTPATH TO
BRIDLEWAY AT ROSEMELLYN AND HALLEW IN THE PARISHES OF ROCHE
AND TREVERBYN) MODIFICATION ORDER 2017

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 Restormel Borough area require modification in consequence of the occurrence of an event specified in an event specified in Section 53(3)(c)(i) of the Act, namely the discovery of evidence which (when considered with all other relevant available evidence) 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 and Section 53(3)(c)(ii) of the Act, namely the discovery of evidence which shows 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.

The Cornwall Council hereby order that:

1. For the purposes of this order the relevant date is 7 October 2016.
2. The Definitive Map and Statement of Public Rights of Way for the former Restormel borough area shall be modified as described in Part I and Part II of the Schedule and shown on the maps attached to the Order.
3. This order shall take effect on the date it is confirmed and may be cited as, 'The Cornwall Council (Addition of a Footpath, Bridleways and a Restricted Byway together with the Upgrade of a Footpath to Bridleway at Rosemellyn and Hallow in the parishes of Roche and Treverbyn) Modification Order 2017'.

GIVEN under the Common Seal of The Cornwall Council this 15th day of February 2017.

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

J. Reenan

Authorised signatory

Jonathan Greenall
Senior Legal Officer
Legal Services
CORNWALL COUNCIL



017481

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

IN PART
CONFIRMED BY CORNWALL
COUNCIL

Signed:

J. Reenan

Date:

4th September 2017

SCHEDULE

PART I

Modification of Definitive Map

Description of Path or Ways to be Added

A length of Public Bridleway in the Parish of Roche commencing at Unclassified Road U6114 approximately 292 metres west-south-west of 'Fernlea Cottage' at Ordnance Survey Grid Reference (OSGR) SX 0061/5966 shown as point 'A' on the map attached to the Order then running in a generally northerly then east-north-easterly direction for a distance of 200 metres to its junction with Footpath Number 10 Roche approximately 105 metres west-south-west of 'Fernlea Cottage' at OSGR SX 0080/5970 shown as point 'B' on the attached Order map.

A length of Public Bridleway in the Parish of Roche commencing at existing Footpath Number 10 Roche to be upgraded to Public Bridleway by this order approximately 10 metres south-east of 'Sunnyside' at OSGR SX 0146/6057 shown as point 'E' on the attached Order map, then running in a generally north-easterly direction for a distance of 6 metres terminating at the Unclassified Road U6114, approximately 12 metres east-south-east of 'Sunnyside' at OSGR SX 0146/6057 shown as point 'F' on the attached Order map.

A length of Public Bridleway in the Parish of Roche commencing at existing Footpath Number 10 Roche to be upgraded to Public Bridleway by this order approximately 145 metres north-north-east of 'Somerset House' at OSGR SX 0141/5979 shown as point 'D' on the attached Order map, then running in a generally southerly direction for a distance of 178 metres terminating at its junction with another Public Bridleway to be added by this order in the Parish of Treverbyn approximately 80 metres east-south-east of 'Somerset House' at OSGR SX 0141/5963 shown as point 'G' on the attached Order map.

A length of Public Bridleway in the Parish of Treverbyn commencing at its junction with another Public Bridleway to be added by this order in the Parish of Roche approximately 80 metres east-south-east of 'Somerset House' at OSGR SX 0141/5963 shown as point 'G' on the attached Order map, then running in a generally south-south-westerly direction for a distance of 51 metres to a junction with a Public Footpath to be added by this order at OSGR SX 0140/5958 shown as point 'H' on the attached Order map, then running in a generally south-easterly direction for a distance of 34 metres terminating at its junction with a Restricted Byway to be added by this order, approximately 138 metres south-east of 'Somerset House' at OSGR SX 0142/5955 shown as point 'I' on the attached Order map.

A length of Restricted Byway in the Parish of Treverbyn commencing at a Public Bridleway to be added by this order approximately 138 metres south-east of 'Somerset House' at OSGR SX 0142/5955 shown as point 'I' on the attached Order map, then running in a generally south-easterly direction for a distance of 294 metres to its junction with Footpath Number 20 Treverbyn at OSGR SX 0160/5935 shown as point 'J' on the attached Order map then running in a generally south-easterly then south-south-westerly direction for a distance of 183 metres terminating at 'Station

Road' A391, approximately 540 metres south-south-east of 'Somerset House' at OSGR SX 0163/5921 shown as point 'K' on the attached Order map.

A length of Public Footpath in the Parish of Treverbyn commencing at its junction with Footpath Number 11 Roche approximately 92 metres south-south-east of 'Somerset House' at OSGR SX 0138/5958 shown as point 'L' on the attached Order map, then running in a generally easterly direction for a distance of 12 metres terminating at its junction with a Public Bridleway to be added by this order, approximately 101 metres south-east of 'Somerset House' at OSGR SX 0140/5958 shown as point 'H' on the attached Order map.

The total length of Public Footpath to be added to the Definitive Map is 12 metres. The width of the Public Footpath described varies between 3 (three) metres and 5 (five) metres, according to the depiction of the way on map sheet Cornwall XLI.8 from the Ordnance Survey County Series Second Edition published at 1:2500 scale.

The total length of Public Bridleway to be added to the Definitive Map is 469 metres. The width of the Public Bridleway described varies between 2 (two) metres and 8 (eight) metres, according to the depiction of the way on map sheets Cornwall XLI.4, XLI.7 & XLI.8 from the Ordnance Survey County Series Second Edition published at 1:2500 scale.

The total length of Restricted Byway to be added to the Definitive Map is 477 metres. The width of the Restricted Byway described varies between 2 (two) metres and 8 (eight) metres, according to the depiction of the way on map sheet Cornwall XLI.8 from the Ordnance Survey County Series Second Edition published at 1:2500 scale.

Description of Path or Way to be Upgraded

A length of existing Footpath Number 10 in the Parish of Roche to be upgraded to bridleway commencing at its junction with a Public Bridleway to be added by this order approximately 105 metres west-south-west of 'Fernlea Cottage' at OSGR SX 0080/5970 shown as point 'B' on the Order Map, then running in a generally easterly direction for a distance of 360 metres to its junction with Footpath Number 11 Roche at OSGR SX 0116/5973 shown as point 'C' on the attached Order map, then running in a generally easterly direction for a distance of 260 metres to its junction with another Public Bridleway to be added by this order at OSGR SX 0141/5979 shown as point 'D' on the attached Order map, then running in a generally northerly then north-easterly direction for a distance of 964 metres terminating at its junction with a Public Bridleway to be added by this order approximately 10 metres south-east of 'Sunnyside' at OSGR SX 0146/6057 shown as point 'E' on the attached Order map.

The total length of Public Footpath to be upgraded to Bridleway is 1584 metres. The width of the Bridleway described varies between 2 (two) metres and 8 (eight) metres, according to the depiction of the way on map sheets Cornwall XLI.4, XLI.7 & XLI.8 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 Deleted

In the Definitive Statement for the Parish of Roche			
No.	Location	Average width	Minimum width
10	FP from Road east of Carbis Mill to Road junction south of Criggan	2'0"	-
11	FP from FP 10 to Parish Boundary north of Hallow	2'0"	-

In the Definitive Statement for the Parish of Treverbyn			
No.	Location	Average width	Minimum width
20	FP (Formerly St. Austell UDC 75) from Bugle to Wheal Rose Branch	3'0" Metalled	-

Particulars of Paths or Ways to be Added

In the Definitive Statement for the Parish of Roche				
No.	Location	Average width	Minimum width	Maximum width
10	FP from Road east of Carbis Mill to BR at Rosemellyn	2'0"	-	
11	FP from BR to FP Treverbyn at Parish Boundary	2'0"	-	
	BR from Road east of Carbis Mill to Road junction south of Criggan		2 metres	8 metres
	BR from BR to BR Treverbyn at Parish Boundary		2 metres	4 metres

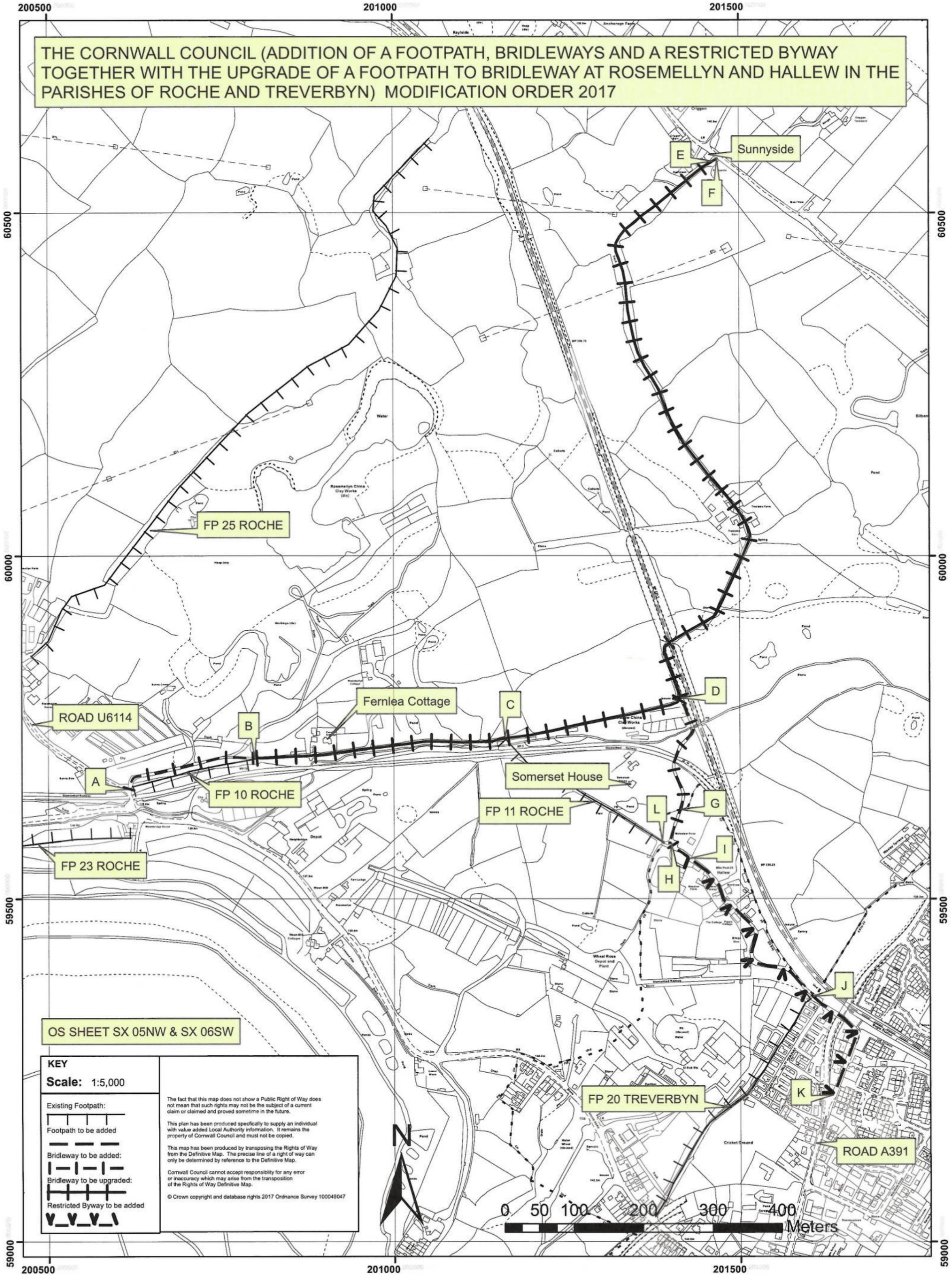
In the Definitive Statement for the Parish of Treverbyn				
No.	Location	Average width	Minimum width	Maximum width
20	FP (Formerly St. Austell UDC 75) from RB to Wheal Rose Branch	3'0" Metalled	-	
	BR from BR Roche at Parish Boundary to RB at Hallow		2 metres	5 metres
	RB at Hallow from BR to Station Road A391 at Bugle		2 metres	8 metres
	FP from FP11 Roche at Parish Boundary to BR		3 metres	5 metres

Wildlife & Countryside Act 1980 Section 53
 Order Map: WCA 475 & WCA 587
 Parish: ROCHE & TREVERBYN CIVIL PARISHES
 Produced by Countryside Access Team: 01 February 2017

MAP NOT TO
 ORIGINAL SCALE



THE CORNWALL COUNCIL (ADDITION OF A FOOTPATH, BRIDLEWAYS AND A RESTRICTED BYWAY TOGETHER WITH THE UPGRADE OF A FOOTPATH TO BRIDLEWAY AT ROSEMELLYN AND HALLEW IN THE PARISHES OF ROCHE AND TREVERBYN) MODIFICATION ORDER 2017



OS SHEET SX 05NW & SX 06SW

KEY
 Scale: 1:5,000

- Existing Footpath:
- Footpath to be added:
- Bridleway to be added:
- Bridleway to be upgraded:
- Restricted Byway to be added:

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.

© Crown copyright and database rights 2017 Ordnance Survey 100049047



In pursuance of the powers conferred by Schedule 15 of the Wildlife and Countryside Act 1981, the Council has severed the above Order. That part of the Order which relates to Public Bridleway to be added in the Parish of Roche between point 'A' and point 'B' on the Order map has been severed and has effect as a separate Order. Those parts of the Order which were not subject to objections between point 'B' and point 'F', between point 'D' and point 'K' and between point 'H' and point 'L' on the Order map will also have effect as a separate Order which was confirmed on

4th September 2017

as an unopposed Order.

J. Neenan

Jonathan Neenan
Senior Legal Officer
Legal Services
CORNWALL COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
FOR THE FORMER
RESTORMEL BOROUGH AREA

THE CORNWALL COUNCIL
(ADDITION OF A FOOTPATH,
BRIDLEWAYS AND A RESTRICTED BYWAY
TOGETHER WITH THE UPGRADE
OF A FOOTPATH TO BRIDLEWAY
AT ROSEMELLYN AND HALLEW
IN THE PARISHES OF ROCHE AND TREVERBYN)
MODIFICATION ORDER 2017