

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

SECTION 53

Cornwall Council

(Upgrade of Footpath to Restricted Byway together with the Addition of Restricted Byways at Zelah in the Parish of St Allen) 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 **6 February 2019**.

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

The Inquiry will be held at **New County Hall, Treyew Road, Truro, Cornwall, TR1 3AY** on **Wednesday 31 July 2019** 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:

(i) Upgrading a length of existing Footpath Number 19 in the Parish of St Allen to be upgraded to Restricted Byway commencing at its junction with Classified Road C292 approximately 110 metres west-north-west of 'Cost is Lost' at Ordnance Survey Grid Reference (OSGR) SW 8033/5153 shown as point 'A' on the Order Map, then running in a generally south-easterly direction for a distance of 168 metres terminating at its junction with a Restricted Byway to be added by this order approximately 62 metres south-east of 'Cost is Lost' at OSGR SW 8048/5145 shown as point 'B' on the attached Order map.

(ii) Adding a length of Restricted Byway in the Parish of St Allen commencing at existing Footpath Number 19 to be upgraded to Restricted Byway by this order approximately 62 metres south-east of 'Cost is Lost' at OSGR SW 8048/5145 shown as point 'B' on the attached Order map then running in a generally south-easterly direction for a distance of 332 metres terminating at its junction with Classified Road C364, approximately 385 metres south-east of 'Cost is Lost' at OSGR SW 8078/5130 shown as point 'C' on the attached Order map.

(iii) Adding a length of Restricted Byway in the Parish of St Allen commencing at its junction with Classified Road C364 approximately 402 metres south-east of 'Cost is Lost' at OSGR SW 8080/5131 shown as point 'D' on the attached Order map then running in a generally south-easterly direction for a distance of 27 metres terminating at its junction

with Bridleway Number 1 St Allen approximately 429 metres south-east of 'Cost is Lost' at OSGR SW 8081/5129 shown as point 'E' on the attached Order map.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle 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/3213248 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 the Truro Information Centre, Pydar House, Pydar Street, Truro, Cornwall, TR1 1XU. To arrange a viewing of the documents, 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 3 April 2019]

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 15 May 2019]

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).

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.

4 weeks before the date of the inquiry [by 3 July 2019]

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

CORNWALL COUNCIL

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 FOOTPATH TO RESTRICTED
BYWAY TOGETHER WITH THE ADDITION OF RESTRICTED BYWAYS AT ZELAH
IN THE PARISH OF ST ALLEN) 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 Carrick District Council area require modification in consequence of the occurrence of an event specified in 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 and 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.

The Cornwall Council hereby order that:

1. For the purposes of this order the relevant date is 21 February 2017.
2. The Definitive Map and Statement of Public Rights of Way for the former Carrick District Council 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 Footpath to Restricted Byway together with the Addition of Restricted Byways at Zelah in the Parish of St Allen) Modification Order 2017'.

GIVEN under the Common Seal of The Cornwall Council this 28th day of *March* 2017.

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



Authorised signatory



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

MADE BY CORNWALL
COUNCIL

Signed: *J Thomas*

Date: *28th March 2017*

SCHEDULE

PART I

Modification of Definitive Map

Description of Path or Way to be Upgraded

A length of existing Footpath Number 19 in the Parish of St Allen to be upgraded to Restricted Byway commencing at its junction with Classified Road C292 approximately 110 metres west-north-west of 'Cost is Lost' at Ordnance Survey Grid Reference (OSGR) SW 8033/5153 shown as point 'A' on the Order Map, then running in a generally south-easterly direction for a distance of 168 metres terminating at its junction with a Restricted Byway to be added by this order approximately 62 metres south-east of 'Cost is Lost' at OSGR SW 8048/5145 shown as point 'B' on the attached Order map.

The length of Public Footpath to be upgraded to Restricted Byway is 168 metres. The width of the Bridleway described varies between 4 (four) metres and 10 (ten) metres, according to the depiction of the way on map sheets Cornwall XLVIII.11 from the Ordnance Survey County Series Second Edition published at 1:2500 scale.

Description of Path or Ways to be Added

A length of Restricted Byway in the Parish of St Allen commencing at existing Footpath Number 19 to be upgraded to Restricted Byway by this order approximately 62 metres south-east of 'Cost is Lost' at OSGR SW 8048/5145 shown as point 'B' on the attached Order map then running in a generally south-easterly direction for a distance of 332 metres terminating at its junction with Classified Road C364, approximately 385 metres south-east of 'Cost is Lost' at OSGR SW 8078/5130 shown as point 'C' on the attached Order map.

The length of Restricted Byway to be added to the Definitive Map is 332 metres. The width of the Restricted Byway described varies between 4 (four) metres and 10 (ten) metres, according to the depiction of the way on map sheet Cornwall XLVIII.11 and Cornwall XLVIII.15 from the Ordnance Survey County Series Second Edition published at 1:2500 scale.

A length of Restricted Byway in the Parish of St Allen commencing at its junction with Classified Road C364 approximately 402 metres south-east of 'Cost is Lost' at OSGR SW 8080/5131 shown as point 'D' on the attached Order map then running in a generally south-easterly direction for a distance of 27 metres terminating at its junction with Bridleway Number 1 St Allen approximately 429 metres south-east of 'Cost is Lost' at OSGR SW 8081/5129 shown as point 'E' on the attached Order map.

The length of Restricted Byway to be added to the Definitive Map is 27 metres. The width of the Restricted Byway described varies between 4 (four) metres and 6 (six) metres, according to the depiction of the way on map sheet Cornwall XLVIII.11 and Cornwall XLVIII.15 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 St Allen			
No.	Location	Average width	Minimum width
1	BR & FP from Zelah Lane Farm (BR9) to FP2 east of Tolroggan	-	-
19	FP from Road west of Bowling Green to Parish Boundary (formerly Perranzabuloe FP71)	6'0" - 8'0"	-

Particulars of Paths or Ways to be Added

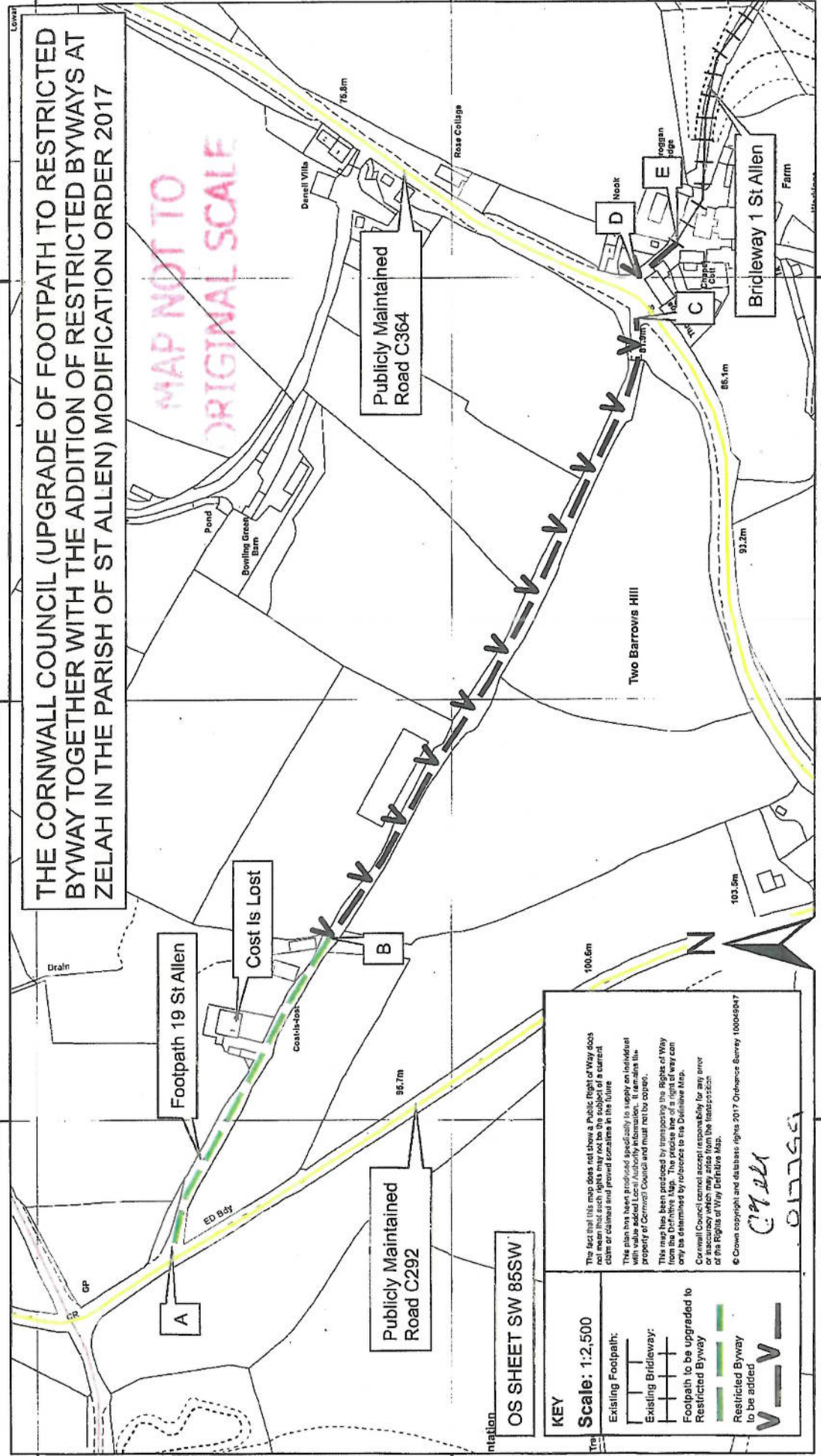
In the Definitive Statement for the Parish of St Allen				
No.	Location	Average width	Minimum width	Maximum width
1	BR & FP from RB at Zelah Lane Farm to FP2 east of Tolroggan		-	-
19	RB from Road C364 to Road C292 at Parish Boundary		4 metres	10 metres
	RB from Road C364 to BR1 at Zelah Lane Farm		4 metres	6 metres



Wildlife & Countryside Act 1980 Section 53
 Order Map: WCA 586
 Parish: ST ALLEN CIVIL PARISH
 Produced by Countryside Access Team: 21 March 2017

THE CORNWALL COUNCIL (UPGRADE OF FOOTPATH TO RESTRICTED BYWAY TOGETHER WITH THE ADDITION OF RESTRICTED BYWAYS AT ZELAH IN THE PARISH OF ST ALLEN) MODIFICATION ORDER 2017

MAP NOT TO ORIGINAL SCALE



OS SHEET SW 85SW

KEY

Scale: 1:2,500

Existing Footpath:

Existing Bridleway:

Footpath to be upgraded to Restricted Byway:

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 claim that is provided for 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 transcription of the Rights of Way Definitive Map.

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Zelah

180400 180600 180800

51400 51600

Publicly Maintained Road C292

Publicly Maintained Road C364

Footpath 19 St Allen

Cost Is Lost

Two Barrows Hill

Bridleway 1 St Allen

76.8m

86.1m

91.2m

100.6m

95.7m

103.5m

180400 180600 180800

51400 51600



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 FOOTPATH
TO RESTRICTED BYWAY
TOGETHER WITH THE ADDITION OF
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MODIFICATION ORDER 2017