

## **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. Following an earlier inquiry, the Inspector appointed to determine the Order issued a letter in which he proposed to make modifications to the Order as drafted. Following advertisement of those proposals objections and representations have been received.

The **start date** for the above Order is **21 July 2020**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case which contain evidence in respect of the Inspector's proposed modifications only.

The effect of the Order, if confirmed without modifications will be:

(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.

The effect of the proposed modifications would be to modify the Order by providing for the following:

- Delete all references to the title of the Order and insert "The Cornwall Council (Addition of Footpaths at Zelah in the Parish of St Allen) Modification Order 2017".
- Delete the text in the preamble to the Order relating to Section 53(3)(c)(ii) of the 1981 Act.
- Delete the sub-heading "Description of Path or Way to be Upgraded" in Part I of the Order Schedule.
- Delete the first two paragraphs in Part I of the Order Schedule.
- Delete all references to "Restricted Byway" or "RB" and insert "Footpath" or "FP".
- Delete from the second line of the third paragraph in Part I of the Order Schedule "to be upgraded to Restricted Byway by this order".
- Delete the text within the first and third boxes underneath the headings "Location" in Part II of the Order Schedule and the associated numbers.
- Delete "at Parish Boundary" from the fourth box underneath the heading "Location" in Part II of the Order Schedule.
- Remove the arrowhead notation from the Order Map and amend the map key accordingly.
- Remove point "A" from the 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@planninginspectorate.gov.uk](mailto:helen.sparks@planninginspectorate.gov.uk) Please quote reference number ROW/3213248M1 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 comments**

#### **Within 8 weeks of the start date [by 15 September 2020]**

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

#### **Within 14 weeks of the start date [by 27 October 2020]**

Everyone who has made an objection or representation following the proposed modification(s), the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the above date, the Secretary of State will send copies of the comments received to everyone else.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time.

All parties must keep to the timetable set out above and ensure that statements of case 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 w/r mods