

NOTICE OF ORDER

Wildlife and Countryside Act 1981 – Section 53

CORNWALL COUNCIL

(Addition of Restricted Byway from Road U6177 at Mawgan-in-Pydar
School to Road U6177 at Lanvean - Parish of St Mawgan-in-Pydar)
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 **20 April 2021**.

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

The Inquiry will be held at **Mawgan Porth Village Hall, Mawgan Porth, Newquay, Cornwall, TR8 4BB** on **Tuesday 19 October 2021** at 10.00am.

The effect of the Order, if confirmed without modifications, will modify the definitive map and statement for the area by adding a length of public Restricted Byway in the Parish of St Mawgan-in-Pydar commencing at Unclassified Road U6177 approximately 39 metres south-west of 'Trevelyan' at Ordnance Survey Grid Reference (OSGR) SW 8734/6591 shown as point "A" on the Order Map then continuing in a generally north-north-easterly direction for 11 metres to a point where it crosses a ford (with footbridge) at OSGR SW 8735/6592 shown at point "B" on the Order Map approximately 28 metres south west of 'Trevelyan' then continuing in a generally north-north-easterly direction for 228 metres, to termination at Unclassified Road U6177 approximately 172 metres north-north-east of 'Trevelyan' at OSGR SW 8748/6607 shown as point "C" on 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. Please quote reference number ROW/3230685 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may access them on Cornwall Council's website:

<https://www.cornwall.gov.uk/environment-and-planning/countryside/public-rights-of-way/definitive-map-modification-orders/submissions-to-the-secretary-of-state/>

Contact Ms Emma Walker, Cornwall Council, 4A Pydar House, Pydar Street, Truro, Cornwall, TR1 1XU with any queries. Telephone 0300 1234 202 or email Emma.Walker@cornwall.gov.uk

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 15 June 2021]

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 27 July 2021]

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 21 September 2021]

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);

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.

- 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 RESTORMEL BOROUGH AREA

THE CORNWALL COUNCIL (ADDITION OF RESTRICTED BYWAY FROM
ROAD U6177 AT MAWGAN-IN-PYDAR SCHOOL TO ROAD U6177 AT LANVEAN
IN THE PARISH OF ST MAWGAN-IN-PYDAR) MODIFICATION ORDER 2017

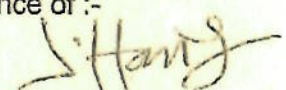
This Order is made by Cornwall Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement of Public Rights of Way for the former Restormel Borough area requires modification in consequence of the occurrence of 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 to them) 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.

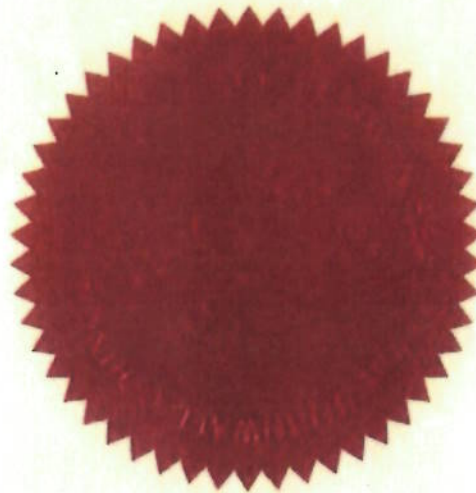
The Cornwall Council hereby orders that:

1. For the purposes of this order the relevant date is 6 September 2017.
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 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 (Addition of Restricted Byway from road U6177 at Mawgan-in-Pydar School to Road U6177 at Lanvean in the parish of St Mawgan-in-Pydar) Modification Order 2017".

GIVEN under the Common Seal of The Cornwall Council this 21 day of November 2017.

EXECUTED as a Deed by affixing
THE COMMON SEAL of
THE CORNWALL COUNCIL
In the presence of :-


Jessica Harries
Business Partner
Legal Services
CORNWALL COUNCIL
Authorised signatory



050138

SCHEDULE

PART I

Modification of Definitive Map

Description of Path or Way to be Added

A length of Restricted Byway in the Parish of St Mawgan-in-Pydar commencing at Unclassified Road U6177 approximately 39 metres south-west of 'Trevelyan' at Ordnance Survey Grid Reference (OSGR) SW 8734/6591 shown as point "A" on the attached Order Map then continuing in a generally north-north-easterly direction for 11 metres to a point where it crosses a ford (with footbridge) at OSGR SW 8735/6592 shown at point "B" on the attached Order Map approximately 28 metres south west of 'Trevelyan' then continuing in a generally north-north-easterly direction for 228 metres, to termination at Unclassified Road U6177 approximately 172 metres north-north-east of 'Trevelyan' at OSGR SW 8748/6607 shown as point "C" on the attached Order Map.

The total length of Restricted Byway to be added to the Definitive Map is 239 metres. The width of the Restricted Byway described varies between 5 metres (five) metres and 9 (nine) metres based on the depiction of the way as shown on map sheet Cornwall XXXII.6 (1908) from the Ordnance Survey County Series Second Edition map series 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 Mawgan-in-Pydar			
Location	Average width	Minimum width	Maximum width
RB from Road north of Mawgan-in-Pydar School to Road south of Lanvean	-	5 metres	9 metres

Section 53 Wildlife and Countryside Act 1981

Parish: MAWGAN-IN-PYDER RBW/409/New

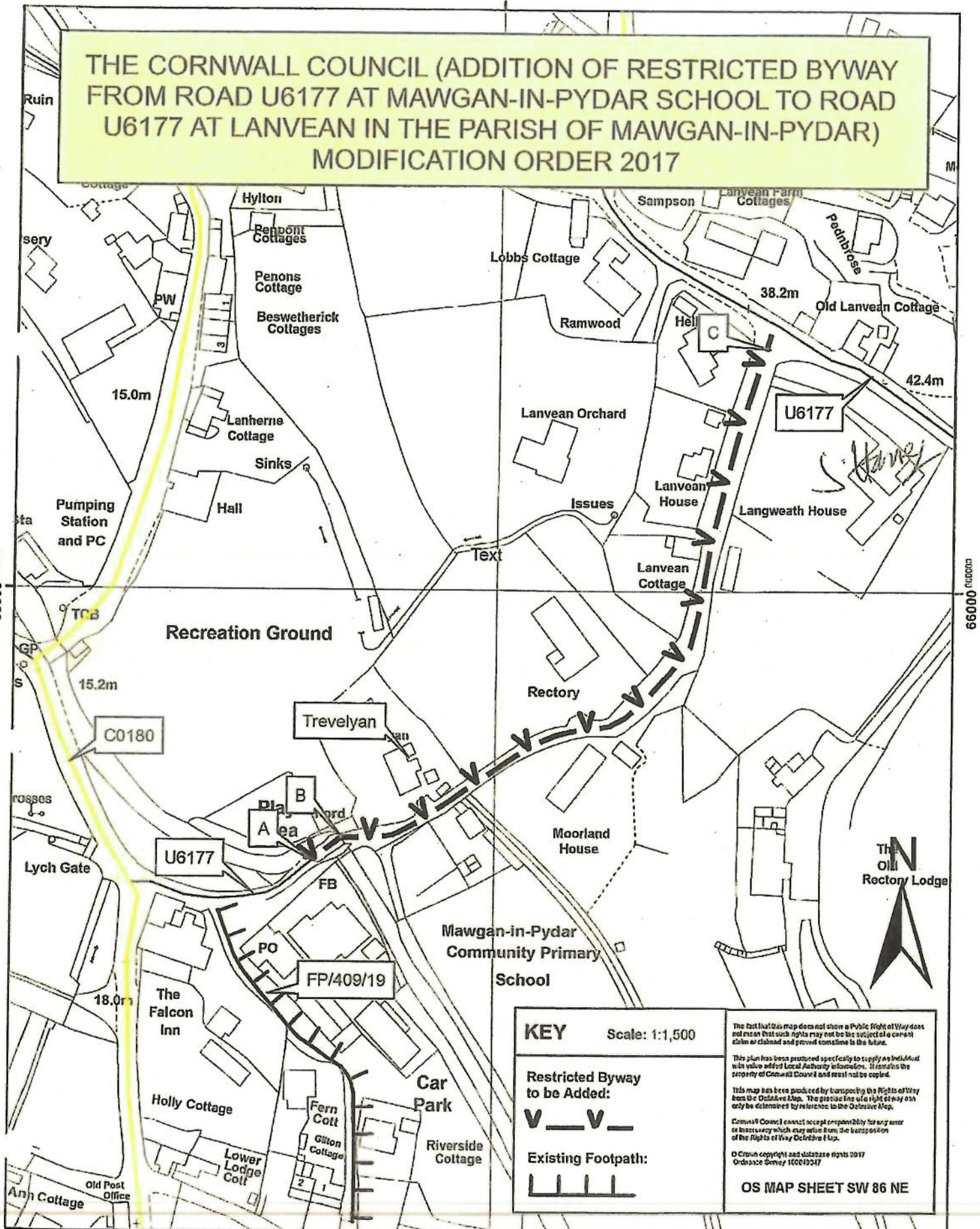
Produced by Countryside Access Team: 3 October 2017

MAP NOT TO
ORIGINAL SCALE



187400 600000

THE CORNWALL COUNCIL (ADDITION OF RESTRICTED BYWAY
FROM ROAD U6177 AT MAWGAN-IN-PYDAR SCHOOL TO ROAD
U6177 AT LANVEAN IN THE PARISH OF MAWGAN-IN-PYDAR)
MODIFICATION ORDER 2017



187400 600000

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 RESTRICTED BYWAY FROM
ROAD U6177 AT MAWGAN-IN-PYDAR SCHOOL
TO ROAD U6177 AT LANVEAN IN
THE PARISH OF ST MAWGAN-IN-PYDAR)
MODIFICATION ORDER 2017

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

**MADE BY CORNWALL
COUNCIL**

Signed: 

Date:

21/11/2017