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| **Order Decision** |
| Site visit undertaken on 16 October 2024 |
| **by Mark Yates BA(Hons) MIPROW** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 24 June 2025** |

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| **Order Ref: ROW/3311106M1** |
| * This Order was made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as The Cornwall Council (Addition of a Footpath and a Restricted Byway at Metherell in the Parish of Calstock) Modification Order 2021.
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| * The Order was made by The Cornwall Council on 13 May 2021 and proposed to add a footpath and a restricted byway which form a continuous route (‘the claimed route’) to the definitive map and statement.
* The Cornwall Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
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| * In accordance with Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 notice has been given of the proposal to confirm the Order with modifications.
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| **Summary of Decision:**  **The Order is confirmed subject to modifications set out below in the Formal Decision.**  |
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Reasons

1. Following consideration of the written representations, I concluded that the evidence was supportive on balance of the claimed route being a historical footpath. I therefore proposed in my Interim Decision of 28 November 2024 to modify the Order to record the whole of the route as a public footpath. Additional modifications were made to record the limitations of stiles at particular points.
2. No new evidence or submission has been provided to indicate that the claimed route should not be recorded as a footpath. The one representation made in response to the advertising of the proposed modifications does not raise any matter that is relevant to my decision.
3. For the reasons set out in my Interim Decision, I conclude that the Order should be confirmed subject to the previously proposed modifications.

**Formal Decision**

1. I confirm the Order subject to the following modifications:
* Delete all references to ‘*restricted byway*’ and where appropriate insert ‘*footpath*’ and distinguish between the A-B and B-C sections.
* At the end of Part I of the Order Schedule insert the following:

‘*Limitations:*

*A stile approximately 55 metres south-east of ‘Lower Brookland Farm’ at OSGR SX 4099/6943 shown as point ‘W’ on the attached Order map.*

 *A stile approximately 225 metres south-east of ‘Lower Brookland Farm’ at OSGR SX 4113/6933 shown as point ‘X’ on the attached Order map.*

 *A stile approximately 299 metres north-west of ‘Newton Farm’ at OSGR SX 4122/6927 shown as point ‘Y’ on the attached Order map.*

 *A stile approximately 197 metres north-west of ‘Newton Farm’ at OSGR SX 4131/6921 shown as point ‘Z’ on the attached Order map’*.

* Insert points *‘W’*, *‘X’*, ‘*Y*’ and *‘Z’* at the relevant points on the Order Map.
* Show the B-C section on the Order Map by way of the notation for a footpath and remove the references to restricted byway.

Mark Yates

**Inspector**

