



Bob Egerton CC  
Trevillick House  
Fore Street  
Grampound  
Truro  
TR2 4RS

**Your ref:**  
**My ref:** WCA/CAT/SJD/WCA  
485  
**Date:** 17 May 2018

Dear Councillor Egerton,

**Confirmation of Definitive Map Modification Order  
Wildlife and Countryside Act 1981 – Section 53**

**The Cornwall Council (Upgrade of Part of Footpath 2 Tregony to Restricted  
Byway and Addition of Restricted Byways in the Parishes of Tregony and  
Cuby)) Modification Order 2016**

The abovementioned order was made by Cornwall Council on 14 December 2016. The Order was subsequently confirmed by the Secretary of State with modifications on 3 May 2018. As required by Schedule 15 Paragraph 11(1),(2) and (3) to the Wildlife and Countryside Act 1981 Cornwall Council hereby gives notice of the confirmation of the order.

This Definitive Map Modification Order made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 came into force on the day that it was confirmed. After that date the public path added to the Definitive Map and Statement by the order will exist as a highways.

A copy of the required notice and a copy of the order as confirmed are enclosed. Please note that any applications to the High Court in respect of the validity of the order or the statutory procedures must be made in the required manner within six weeks of the date of the notice.

Yours sincerely

*Steve Dyer*

Countryside Access Records Officer  
**Environment Service**  
Tel: 0300 1234 202  
Email: [sjdyer@cornwall.gov.uk](mailto:sjdyer@cornwall.gov.uk)





INVESTOR IN PEOPLE

Cornwall Council, Countryside Service,  
Pydar House, Pydar Street, Truro,  
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NOTICE OF CONFIRMATION OF DEFINITIVE MAP MODIFICATION ORDER

SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

CORNWALL COUNCIL

THE DEFINITIVE MAP AND STATEMENT FOR THE FORMER  
DISTRICT OF CARRICK

THE CORNWALL COUNCIL (UPGRADE OF PART OF FOOTPATH 2 TREGONY TO  
RESTRICTED BYWAY AND ADDITION OF RESTRICTED BYWAYS IN THE PARISHES OF  
TREGONY AND CUBY)) MODIFICATION ORDER 2016

To: Bob Egerton CC

Of: Trevillick House  
Fore Street  
Grampound  
Truro  
TR2 4RS

On 3 May 2018, the Secretary of State for the Environment confirmed with modifications the above order made under section 53[(2)(b)] of the Wildlife and Countryside Act 1981.

The effect of the order as confirmed is to modify the definitive map and statement for the area by upgrading a length of existing Footpath No. 2 in the Parish of Tregony to be upgraded to Restricted Byway commencing at its junction with Byway Open to All Traffic No. 4 Tregony on "Well Lane" approximately 299 metres west-north-west of "Ryecroft Lodge" at Ordnance Survey Grid Reference (OSGR) SW 9232/4472, thence continuing in a generally east-south-easterly direction for 325 metres to a point approximately 35 metres south of "Ryecroft Lodge" where the path is in moiety between the parishes of Tregony and Cuby at OSGR 9262/4462 shall be upgraded to Restricted Byway, thence continuing in a generally easterly and then south-easterly direction for 103 metres to a point approximately 114 metres south-east of "Ryecroft Lodge" where it connects with a Restricted Byway to be added by this order at OSGR SW 9270/4458, thence continuing in a generally south-south-westerly direction for a distance of 23 metres to a point 116 metres south-east of "Ryecroft Lodge" at OSGR SW 9269/4456, thence continuing in the parish of Tregony in a generally south-south-westerly direction for a distance of 10 metres to a point where it connects with a footpath added by "The County of Cornwall (Addition of Footpath from Footpath No. 2 Tregony to Footpath No. 23 Veryan) Modification Order 2007 and another Restricted Byway to be added by this order approximately 123 metres south-east of "Ryecroft Lodge" at OSGR 9268/4455. The order will also modify the definitive map and statement for the area by adding a length of Restricted Byway in the Parish of Cuby commencing at Unclassified Road U6098 ("Cuby Road") approximately 462 metres north-east of "Ryecroft Lodge" at OSGR SW 9298/4493, thence running in a generally south-westerly westerly and then south-south-westerly direction for a distance of 505 metres and terminating at its junction with Footpath 2 in Tregony (to be upgraded to Restricted



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Byway by this Order) at the Tregony-Cuby parish boundary approximately 114 metres south-east of "Ryecroft Lodge" at OSGR SW 9270/4458. The order will also modify the definitive map and statement for the area by adding a length of Restricted Byway in the Parish of Tregony commencing at a junction with Footpath No.2 Tregony (to be upgraded to Restricted Byway by this Order) and a footpath added by "The County of Cornwall (Addition of Footpath from Footpath No. 2 Tregony to Footpath No. 23 Veryan) Modification Order 2007 approximately 123 metres south-east of "Ryecroft Lodge" at OSGR SW 9268/4455, thence running in a generally south-south-westerly direction for 630 metres terminating at County Road A3078 in the hamlet of 'Reskivers' approximately 662 metres south-south-west of "Ryecroft Lodge" at OSGR SW 9237/4404.

A copy of the order as confirmed and the order map have been placed and may be seen free of charge at the Offices of Cornwall Council at Truro One Stop Shop, Pydar House, Pydar Street, Truro TR1 1XU from 10:00 am to 4:00 pm on Mondays to Fridays inclusive. (Public and Bank Holidays excepted) Copies of the Order and map may be bought there at the price of £5.00.

The order comes into force on the day that it is confirmed but if any person aggrieved by the order wants to question its validity on the ground that it is not within the powers of Section 53 of the Wildlife and Countryside Act 1981, or on the ground that any requirement of Schedule 15 of the Act has not been complied with in relation to the Order, he or she may under paragraph 12(1) of Schedule 15 to the Act, within six weeks from the date on which notice is first published, make application to the High Court.

Dated 17 May 2018

**Peter Marsh**  
**Director: Environment**



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CORNWALL COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE  
FORMER CARRICK DISTRICT AREA

THE CORNWALL COUNCIL (UPGRADE OF PART OF FOOTPATH 2 TREGONY  
TO RESTRICTED BYWAY AND ADDITION OF RESTRICTED BYWAYS IN THE  
PARISHES OF TREGONY AND CUBY) MODIFICATION ORDER 2016

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 area requires modification in consequence of the occurrence of an event specified in Section 53(3)(c)(ii) of the Act, namely the discovery of evidence 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 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) 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:

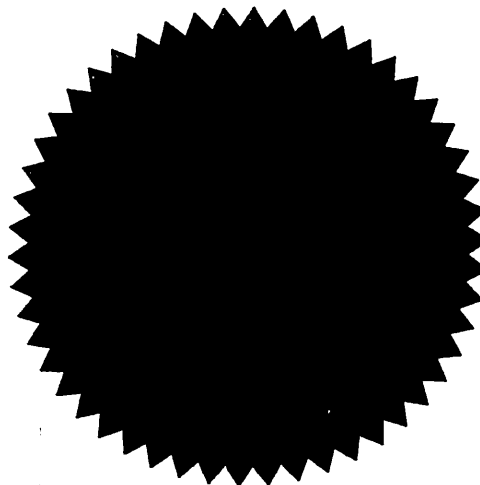
1. For the purposes of this order the relevant date is 07 October 2016.
2. The Definitive Map and Statement of Public Rights of Way for the former Carrick district area shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as, "The Cornwall Council (Upgrade of part of Footpath 2 Tregony to Restricted Byway and Addition of Restricted Byways in the parishes of Tregony and Cuby) Modification Order 2016".

GIVEN under the Common Seal of The Cornwall Council this 16<sup>th</sup> day of December 2016.

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

*C. Y. L. L.*

Authorised signatory



0 1 7 1 2 3

The foregoing order is hereby confirmed  
subject to the red ink modifications thereon

*Heidi Cruickshank* 03 MAY 2018

An Inspector appointed by The Secretary  
of State for Environment, Food and  
Rural Affairs



## SCHEDULE

### PART I

#### Modification of Definitive Map

Description of Path or Way to be Upgraded *to be upgraded to Restricted Byway*

*shall be upgraded to Restricted Byway*

A length of existing Footpath No. 2 in the Parish of Tregony commencing at its junction with Byway Open to All Traffic No. 4 Tregony on "Well Lane" approximately 299 metres west-north-west of "Ryecroft Lodge" at Ordnance Survey Grid Reference (OSGR) SW 9232/4472 shown as point "C" on the map attached to this order thence continuing in a generally east-south-easterly direction for 325 metres to a point approximately 35 metres south of "Ryecroft Lodge" where the path is in moiety between the parishes of Tregony and Cuby at OSGR 9262/4462 shown as point D on the map attached to the Order thence continuing in a generally easterly and then south-easterly direction for 103 metres to a point approximately 114 metres south-east of "Ryecroft Lodge" where it connects with a Restricted Byway to be added by this order at OSGR SW 9270/4458 shown as point "B" on the map attached to this order thence continuing in a generally south-south-westerly direction for a distance of 23 metres to a point 116 metres south-east of "Ryecroft Lodge" at OSGR SW 9269/4456 shown as point "E" on the map attached to this Order, thence continuing in the parish of Tregony in a generally south-south-westerly direction for a distance of 10 metres to a point where it connects with a footpath added by "The County of Cornwall (Addition of Footpath from Footpath No. 2 Tregony to Footpath No. 23 Veryan) Modification Order 2007 and another Restricted Byway to be added by this order approximately 123 metres south-east of "Ryecroft Lodge" at OSGR 9268/4455 shown as point "F" on the map attached to this order.

The total length of Footpath 2 to be upgraded is 461 metres. The width of the Restricted Byway described varies between 3 (three) metres and 6 (six) metres, in accordance with the depiction of the way on map sheets Cornwall LXIII.12 & LXIII.16 from the Ordnance Survey County Series Second Edition published at 1:2500 scale. *LX.9*

#### Description of Paths or Ways to be Added

A length of Restricted Byway in the Parish of Cuby commencing at Unclassified Road U6098 ("Cuby Road") approximately 462 metres north-east of "Ryecroft Lodge" at OSGR SW 9298/4493, shown as point "A" on the map attached to this order thence running in a generally south-westerly westerly and then south-south-westerly direction for a distance of 505 metres and terminating at its junction with Footpath 2 in Tregony (to be upgraded to ~~Byway Open to All Traffic~~ *Restricted Byway* by this Order) at the Tregony-Cuby parish boundary approximately 114 metres south-east of "Ryecroft Lodge" at OSGR SW 9270/4458 shown as point "B" on the map attached to this order.



*Restricted Byway*

A length of Restricted Byway in the Parish of Tregony commencing at a junction with Footpath No.2 Tregony (to be upgraded to ~~Byway Open to All Traffic~~ by this Order) and a footpath added by "The County of Cornwall (Addition of Footpath from Footpath No. 2 Tregony to Footpath No. 23 Veryan) Modification Order 2007 approximately 123 metres south-east of "Ryecroft Lodge" at OSGR SW 9268/4455, shown as point "F" on the map attached to the Order, thence running in a generally south-south-westerly direction for 630 metres terminating at County Road A3078 in the hamlet of 'Reskivers' approximately 662 metres south-south-west of "Ryecroft Lodge" at OSGR SW 9237/4404 shown as point "G" on the map attached to this order.

The total length of Restricted Byway to be added to the Definitive Map is 1135 metres. The width of the Restricted Byway described varies between 3 (three) metres and 6 (six) metres, in accordance with the depiction of the way on map sheets Cornwall LXIII.12 & LXIII.16 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 Added

In the Definitive Statement for the Parish of Cuby				
No.	Location	Average width	Minimum width	Maximum width
	RB from Unclassified Road U6098 at Cuby Close to RB Tregony at Tregony-Cuby parish boundary	-	3 metres	6 metres

In the Definitive Statement for the Parish of Tregony				
No.	Location	Average width	Minimum width	Maximum width
	RB from junction of BW 2 Tregony with BW 4 Tregony to County Road A3078 at Reskivers	-	3 metres	6 metres

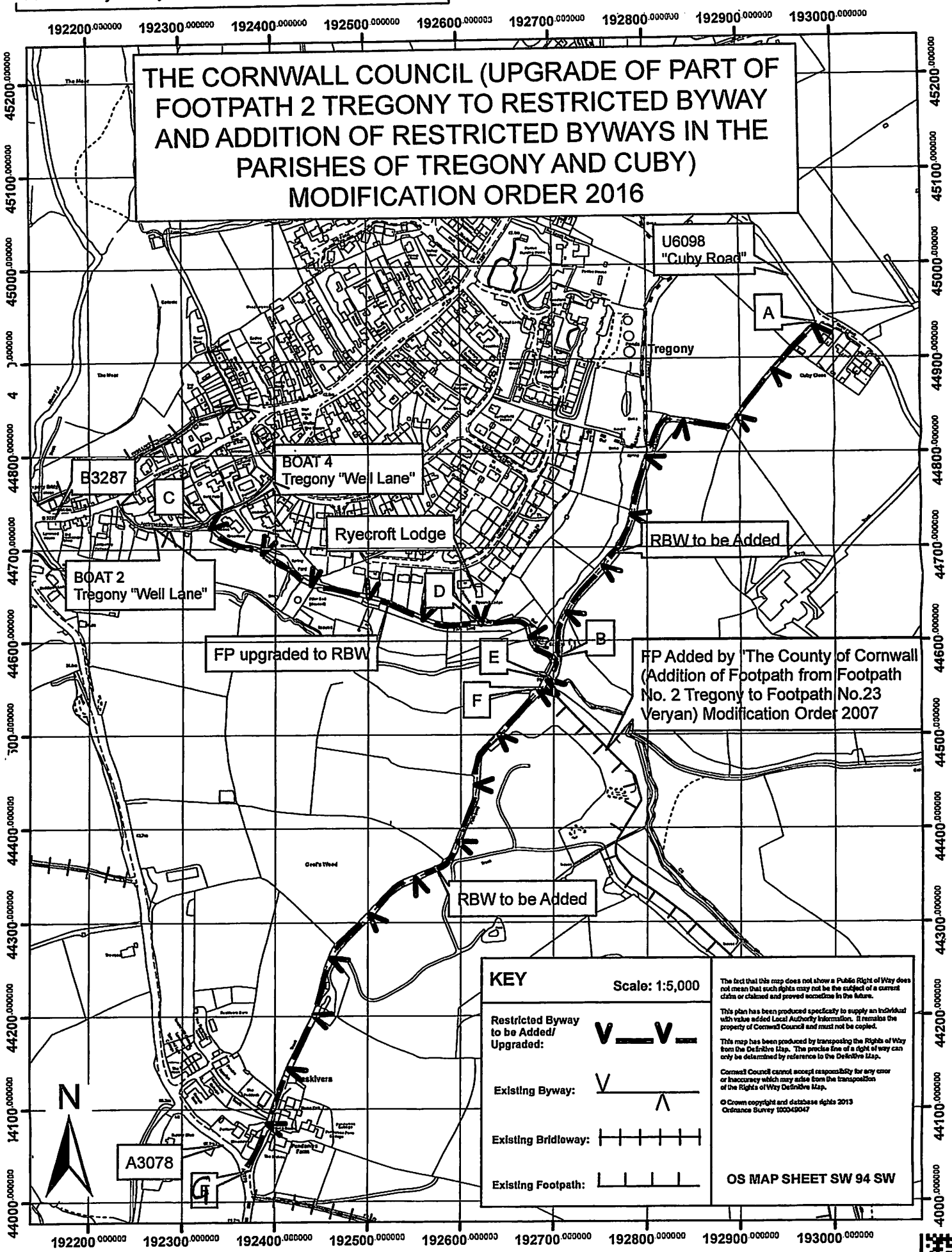


	Footpath from RB to Reskivers to Footpath No. 23 Veryan in the parishes of Tregony and Veryan subject to the limitation of two stiles and one gate	<del>4'0"</del>	1.5 metres	2.5 metres
2	BW from B3287, Tregony to junction with BW 4 Tregony and RB to Reskivers	<del>4'0"</del>	3 metres	6 metres
4	BW from junction of RB to Reskivers & BW 2 to The Square, Tregony	<del>8'0"</del>	3 metres	6 metres

Particulars of Path or Way to be Deleted:


Existing particulars in the Definitive Statement for the Parish of Tregony:				
No.	Location	Average Width	Minimum Width	Maximum Width
	Footpath from RB to Reskivers to Footpath No. 23 Veryan in the parishes of Tregony and Veryan subject to the limitation of two stiles and one gate	-	1.5 metres	2.5 metres
2	BW from B3287, Tregony to junction with BW 4 Tregony and RB to Reskivers	4'0"	-	-
4	BW from junction of RB to Reskivers & BW 2 to The Square, Tregony	8'0"	-	-

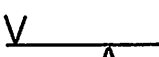
# THE CORNWALL COUNCIL (UPGRADE OF PART OF FOOTPATH 2 TREGONY TO RESTRICTED BYWAY AND ADDITION OF RESTRICTED BYWAYS IN THE PARISHES OF TREGONY AND CUBY) MODIFICATION ORDER 2016

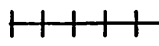


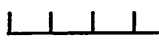
FP Added by 'The County of Cornwall (Addition of Footpath from Footpath No. 2 Tregony to Footpath No.23 Verman) Modification Order 2007

**KEY** Scale: 1:5,000

Restricted Byway to be Added/Upgraded: 

Existing Byway: 

Existing Bridleway: 

Existing Footpath: 

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.

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**OS MAP SHEET SW 94 SW**



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 PART OF FOOTPATH 2  
TREGONY TO RESTRICTED BYWAY  
AND ADDITION  
OF RESTRICTED BYWAYS IN THE  
PARISHES OF TREGONY AND CUBY)  
MODIFICATION ORDER 2016

MADE BY CORNWALL COUNCIL ON:

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

**CONFIRMED BY THE  
SECRETARY OF STATE WITH  
MODIFICATIONS**

Signed: 

Date: 3 May 2018