

Cornwall Council

FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

Definitive Map and Statement for the former District / Borough of Restormel

To: Cornwall Council

of: New County Hall, Treyew Road, Truro TR1 3AY

I _____ on behalf of St Mawgan-in Pydar Parish Council

Of: C/O St Mawgan Community Hall, Penpont, St Mawgan, Newquay, TR8 4ET.

hereby apply for an Order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by:

(b1) Adding the footpath

from: Entrance/exit from Long Lane near Lanherne Barton. **Grid Ref:** 87133/65916

to: Entrance/Exit off road downhill from Carloggas near Old Post Office **Grid Ref:** 87285/65815

(b2) Adding the footpath

from: Maladyke junction by St Joseph's Hall **Grid Ref:** 87181 / 65857

to: Community Orchard gate (path subject to modification order WC577 to be considered in conjunction with this one). **Grid Ref:** 87155 / 65731

(b3) Adding the footpath

from: Burial Ground/ Hall. **Grid Ref:** 87207 / 65848

to: Opposite (just uphill from) The Falcon Inn. **Grid Ref:** 87283/ 65870

and shown on the map accompanying this application.

I attach copies of the following documentary evidence (including statement of witnesses) in support of this application:

- Form 3
- Form 5
- 34 completed public path user form statements
- Map marked up to show the paths in question

Dated: 06.08.2026

Signed:

FORM 5

Cornwall Council

SURVEY OF MODIFICATION ORDER APPLICATION ROUTE

Wildlife and Countryside Act 1981

To: Cornwall Council

of: New County Hall, Treyew Road, Truro TR1 3AY

Name & Address of Applicant: Heather Hillman (Parish Clerk & RFO on behalf of the St Mawgan-in-Pydar Parish Council). C/O St Mawgan Community Hall, Penpont, St Mawgan, Newquay, TR8 4ET.

Date of Application: 28th July 2026

Cornwall Council has introduced a priority policy for DMMO applications that will promote claims for paths that offer the most benefit to users of the rights of way network. The information you provide here may elevate your application meaning that it could be determined sooner. The Council would therefore strongly encourage you to complete Form 5 and submit it with your application.

Purpose of Application:

Please explain why you consider the route is important and what benefit it will have for the rights of way network, or the community e.g., is it part of a local strategic plan, will it promote sustainable travel, or how does it fit into the Local Walking and Cycling Infrastructure Plans etc. [Please speak to the relevant Town or Parish Council, or User Groups to help answer this question, contact details can be found in the Pack]

The reason for making this application is to preserve paths which have historically been used to allow members of the Parish to go about their business in a safer way, allowing off road access from Carloggas and access for residents to amenities such as the Pub, Café, School, Shops, Cemetery and Churches.

It provides a key link to another path which is the subject of a modification order (WC577), down into the village from Ball Lane Carloggas and across to Lanherne Barton.

St Mawgan is an area which benefits from a strong tourist industry, along with the nearby village of Mawgan Porth. This path will provide a crucial link in the footpath network, enabling residents and visitors to walk directly to Mawgan Porth via Polgreen and Trevarrian and the coast path via footpath 409/9/1/2, with only very short on road sections. This is one of the reasons that many people come to the village, and support the many local business situated in St Mawgan.

These paths have been used for many years and over several generations, as the witness statements will attest. It is only as recently as 2022 that any signs or blockages have been put in place and people reading the new signage (put in place by the Plymouth Diocese which oversee St Mawgan Roman Catholic Church and the Lanherne Carmelite Convent) feel uncomfortable about using these routes as the signage suggests there is no access permitted (photos 2 and 14).

The Parish Council are keen to maintain these rights of access for the benefit of Parishioners and visitors, hence this modification order application.

As mentioned above, both hills down into the village of St Mawgan are quite steep. This path offers a more level way to cut across from one road to the other without having to go all the way down to the lowest point of the Village by the Anglican church. It is also a crucial connecting point for other paths allowing more accessible walking routes around the parish.

Description:

Please describe the route from end to end noting any significant feature along the way such as landmarks, buildings etc., referencing any photos you may have taken.

Please also see numbered photos and corresponding map.

B1. Starting at Lanherne Barton by a triangle with scots pines (photo 1), the route proceeds along a tarmacked private road with the high stone wall of the Lanherne convent on the right (photo 3), eventually reaching a triangle of grass with another pine, directly in front of the Hall (photo 4). B1 proceeds to the left of the Hall (photo 9) between high stone walls until the tarmacked track bends around to the left and there is a grassy track ahead between laurel bushes. It proceeds down the grassy track (photo 10) until a locked gate (photo 11) where there is just about room to squeeze past. A stone driveway/track then proceeds out onto the road beside cottages. (photos 12 & 13).

B2 goes to the right of the Hall (photo 5) along a tarmacked road (photo 6) to the end (photo 7) where it joins a grass track leading to a locked gate (photo 8) through to the orchard which joins the other modification order path (WC577).

B3 continues around the corner from the Hall (photo 15) along a tarmacked road and driveway to the convent / church alongside a row of trees. It then bends to the right away from the convent and joins a green gate (photos 16-18) which has different signage on and the concrete path (photo 17) which joins the road opposite the Falcon Inn.

Nature of the Surface:

Please describe the surface of the path grass, mud, made up track, across fields containing arable crops, noting any significant changes to the surface along the way

It is a mixture of tarmacked roads, grassy tracks and stone tracks. Please see description above and photos.

Location of Structures:

Please identify and pinpoint any limitations such as stiles, gates, barriers, fences across the line of the path, either by providing a Grid Reference for each structure, or on a copy of the application map.

The locked gate near the Old Post Office grid ref: 87285/ 65815. (photo 11).

There is also a locked gate beyond St Joseph's through to The Orchard (subject to a separate modification order (WC577). Grid ref 87155 / 65731. (photos 7&8)

Width of Path:

Please indicate the full width of the path that is being claimed, understanding that if the width varies along the route of the path that the width of each section is described in turn.

- Lanherne Barton start – 12' wide.