

Please refer to the Guidance Notes before completing

COUNTY OF CORNWALL
APPLICATION FORM
FOR A MODIFICATION TO THE DEFINITIVE MAP AND STATEMENT
Wildlife and Countryside Act 1981

To: The County Surveyor, Cornwall County Council
 of: Western Group Centre, Radnor Road, Scorrier, TR16 5EH
 I/We [REDACTED] & [REDACTED]

of [REDACTED]
 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 :-

- (a) Deleting the footpath / bridleway / byway open to all traffic * which runs
 from:
 to:
- (b) Adding ~~the footpath / bridleway~~ / byway open to all traffic * which runs
 from: FOOTPATH 6 FROM WITHIEL
 to: FOOTPATH 5 TO TREMORE BRIDGE
- (c) Upgrading/downgrading the footpath / bridleway / byway open to all traffic *
 from:
 to:
- (d) Varying/adding to the particulars relating to the footpath / bridleway / byway open to all traffic *
 from:
 to:
 by providing that

and shown on the map attached - please ensure map is certified as correct.

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

- (iv) VARIOUS MAPS
 EXTRACTS FROM GUIDE BOOKS
 [REDACTED] OF FACTS & ANECDOTAL EVIDENCE

Signed

Dated: 18th MARCH 2003

* footpath - right of way on foot, horseback and with a cycle,
 BOAT - right of way for vehicle for the purposes for which footpaths &
 bridleways are used.

11th July 2003

Dear [REDACTED]

Wildlife & Countryside Act 1981 : Proposed Modification of Definitive Map of Public Rights of Way by the Addition of a Footpath from Footpath 6 to Footpath 5, Withiel

We wish to clarify our position over the application for a Modification Order to the Definitive Map and Statement.

We applied for a Byway as the whole of the lane in question, which extends for a distance of about a quarter of a mile, has been used both for agricultural vehicles and as a footway since 1840. It is still in use today by local farmers to access their fields. Mistakenly, we applied for a Byway as we had no wish to prevent farmers from using that part of the lane between Footpaths 6 to 5 which still remains open. We have come to understand that designating it as a Footpath does not preclude its use by farm vehicles. As such we wish to adjust our application from "Byway Open to All Traffic" to "Footpath". This will ensure that the walkers who use the Saints Way will be able to follow the original route, as agreed by Cornwall County Council and as described in early guide books.

Footpath 6 from Withiel links in to the West-to-East lane across the top of Retire; also linking into this lane is Footpath 4 from Withielgoose and Footpath 5 from Tremore. When the Saints Way was opened in the early nineteen eighties, Cornwall County Council routed it from Withiel on Footpath 6, across the top of Retire by the lane in question, and out to Tremore by Footpath 5. At the point at which Footpath 5 meets the road, eighteen new granite steps were built into the embankment to facilitate access (see attached photograph). It is therefore quite clear that Cornwall County Council approved this route as historically correct. It is hard to understand why they did not, at the time, incorporate the linking lane above Retire into the definitive map. When the closure of part of the West-East linking lane took place, by an act of adverse possession by [REDACTED] (H.M. Land Registry, Plymouth - Caution Title No. CL162534), Cornwall County Council failed to take action in spite of representations by Withiel Parish Council. Rather than confronting [REDACTED] their answer was to re-route the Saints Way along half a mile of busy narrow roadway, thus abandoning an expensive set of granite steps that are now of little use to walkers. At present there are two local car boot sales that take place on Saturday and Sunday bringing a major increase in traffic along these same roads that Cornwall County Council have re-designated as the Saints Way, causing increased hazards to the weekend walkers.

Our original application statement dated the 1st March 2003 still stands with all its relevant details.

Yours sincerely,

[REDACTED]