



The Planning Inspectorate

3A Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5646
Customer Services:
0303 444 5000

Email: helen.sparks@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Your Ref:
Our Ref: ROW/3295824

The Clerk
Saltash Town Council
Saltash Town Council, The Guildhall
12 Lower Fore Street
SALTASH
Cornwall
PL12 6JX

15 May 2024

Dear Sir/Madam,

Wildlife and Countryside Act 1981 - Section 53
Order Making Authority: Cornwall Council
Title of Order: (Addition of Footpaths at Babis Lane & Town Quay in the Parish of Saltash) Modification Order 2017

Please find enclosed two documents provided by the Inspector appointed to this case for your information.

In addition, is a copy of a slightly amended Order Notice which provides a Link to the Council's website to documents associated with this Order.

Enclosures:

Order Notice

Inspector's Pre-Inquiry Note

Inspector's Provisional Draft Timetable

Yours sincerely,

Helen Sparks
Helen Sparks

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

NOTICE OF ORDER

Wildlife and Countryside Act 1981 – Section 53

CORNWALL COUNCIL

(Addition of Footpaths at Babis Lane & Town Quay in the Parish of Saltash) 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.

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

The Inquiry will be held at the **Guildhall, Fore Street, Saltash, Cornwall, PL12 6JQ** on **Tuesday 11 June 2024** at 10.00am.

The appointed Inspector will also open the Inquiry as a virtual event on **Tuesday 11 June 2024** at 10.00am.

Anyone wishing to attend the inquiry virtually must register that interest with the Council as soon as possible prior to the Inquiry, but no later than midday on Friday 7th June 2024, either by email or telephone, details of which are set out in this notice. To take part using video, participants will need to have access to Microsoft Teams (via an app or web browser). The link <https://support.microsoft.com/en-us/office/welcome-to-microsoft-teams-b98d533f-118e-4bae-bf44-3df2470c2b12> gives further information on how to use this. Alternatively, you can take part by telephone. Registered participants will receive individual joining instructions, providing details of any requirements, guidance and support, whether joining by Teams or telephone.

The effect of the Order, if confirmed without modifications, will be to modify the definitive map and statement for the area by:

(i) Adding a length of Public Footpath in the Parish of Saltash commencing at Unclassified Road U6164 Babis Lane 30 metres north-west of '31 Coombe Road' at Ordnance Survey Grid Reference (OSGR) SX 4278/5848 shown as point 'A' on the attached Order map then continuing in a generally southerly then south-easterly direction for a distance of 39 metres terminating at the foreshore 19 metres south-south-west of '31 Coombe Road' at OSGR SX 4280/5845 shown as point 'B' on the attached map.

(ii) Adding a length of Public Footpath in the Parish of Saltash commencing at the foreshore 18 metres south-east of 'The Jetty' at Ordnance Survey Grid Reference (OSGR) SX 4318/5852 shown as point 'C' on the attached Order map then running in a generally north-easterly direction for a distance of 149 metres to a junction with another footpath to be added by this Order approximately 27 metres north-east of 'Waterside Bungalow' at

OSGR SX 4327/5864 shown as point 'D' on the attached Order map then running in a north-westerly direction for a distance of 8 metres terminating at the Footway 28 metres north-north-east of 'Waterside Bungalow' at OSGR SX 4326/5864 shown as point 'E' on the attached map.

(iii) Adding a length of Public Footpath in the Parish of Saltash commencing at another footpath to be added by this Order 27 metres north-east of 'Waterside Bungalow' at OSGR SX 4327/5864 shown as point 'D' on the attached Order map then running in a generally easterly direction for a distance of 19 metres terminating at the entrance to Saltash Sailing Club 42 metres north-east of 'Waterside Bungalow' at OSGR SX 4329/5863 shown as point 'F' on the attached Order map.

Any queries relating to this Order should be referred to Helen Sparks by email: helen.sparks@planninginspectorate.gov.uk quoting reference number ROW/3295824 on all correspondence. Alternatively, queries may be sent in writing to 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.

Any person wishing to view the statements of case and other documents relating to this Order may do so via Cornwall Council's website: <https://www.cornwall.gov.uk/environment/countryside/definitive-map-and-statement/submissions-to-the-secretary-of-state-dmno/>
Contact Ms Hannah Rodger, Cornwall Council, PO Box 676, Threemilestone, Truro, TR1 9EQ with any queries. Telephone: 0300 1234 2202 or E-mail: Hannah.Rodger@cornwall.gov.uk

CORNWALL COUNCIL
WILDLIFE AND COUNTRYSIDE ACT 1981

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

THE CORNWALL COUNCIL (ADDITION OF FOOTPATHS AT BABIS LANE AND
TOWN QUAY IN THE PARISH OF SALTASH) 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 Caradon District area require 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 available evidence) 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 06 September 2017.
2. The Definitive Map and Statement of Public Rights of Way for the former Caradon District area shall be modified as described in Part I and Part II of the Schedule and shown on the maps 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 Footpaths at Babis Lane and Town Quay in the Parish of Saltash) Modification Order 2017'.

GIVEN under the Common Seal of The Cornwall Council this 16th day of November 2017.

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



J. Steeman

Authorised signatory

Jonathan Steeman
Senior Legal Officer
Legal Services
CORNWALL COUNCIL

050083

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

MADE BY CORNWALL
COUNCIL

Signed: *J. Steeman*

Date: 16th November 2017

SCHEDULE

PART I

Modification of Definitive Map

Description of Path or Ways to be Added

A length of Public Footpath in the Parish of Saltash commencing at Unclassified Road U6164 Babis Lane approximately 30 metres north-west of '31 Coombe Road' at Ordnance Survey Grid Reference (OSGR) SX 4278/5848 shown as point 'A' on the attached Order map then continuing in a generally southerly then south-easterly direction for a distance of 39 metres terminating at the foreshore approximately 19 metres south-south-west of '31 Coombe Road' at OSGR SX 4280/5845 shown as point 'B' on the attached Order map.

A length of Public Footpath in the Parish of Saltash commencing at the foreshore approximately 18 metres south-east of 'The Jetty' at Ordnance Survey Grid Reference (OSGR) SX 4318/5852 shown as point 'C' on the attached Order map then running in a generally north-easterly direction for a distance of 149 metres to a junction with another footpath to be added by this Order approximately 27 metres north-east of 'Waterside Bungalow' at OSGR SX 4327/5864 shown as point 'D' on the attached Order map then running in a north-westerly direction for a distance of 8 metres terminating at the Footway approximately 28 metres north-north-east of 'Waterside Bungalow' at OSGR SX 4328/5864 shown as point 'E' on the attached Order map.

A length of Public Footpath in the Parish of Saltash commencing at another footpath to be added by this Order approximately 27 metres north-east of 'Waterside Bungalow' at OSGR SX 4327/5864 shown as point 'D' on the attached Order map then running in a generally easterly direction for a distance of 19 metres terminating at the entrance to Saltash Sailing Club approximately 42 metres north-east of 'Waterside Bungalow' at OSGR SX 4329/5863 shown as point 'F' on the attached Order map.

The total length of Public Footpath to be added to the Definitive Map is 215 metres. The width of the lengths of Public Footpath described vary between 2 (two) metres and 5 (five) metres.

PART II

Modification of Definitive Statement

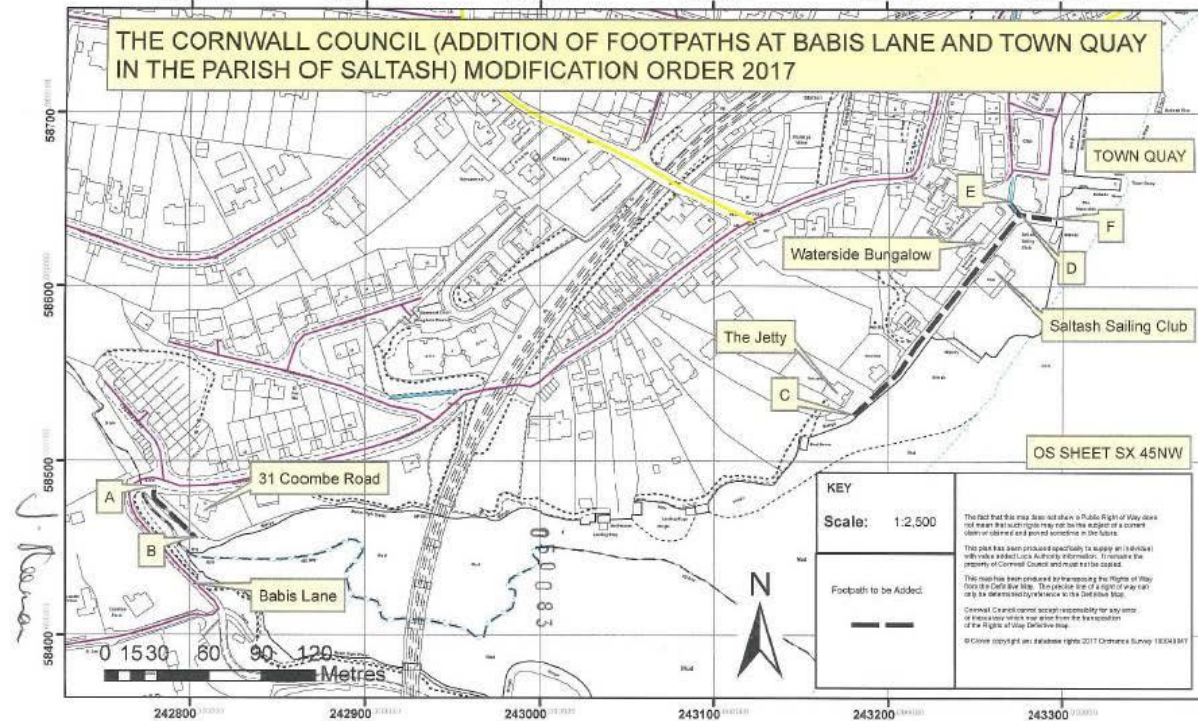
Particulars of Paths or Ways to be Added

In the Definitive Statement for the Parish of Saltash			
Location	Average width	Minimum width	Maximum width
FP from Babis Lane to foreshore		2 metres	2 metres
FP from Footway south of Brooke Close to foreshore		2 metres	5 metres
FP from FP Saltash to Road near Town Quay		5 metres	5 metres

Parish: SALTASH CIVIL PARISH
Produced by Countryside Access Team: 30 October 2017



THE CORNWALL COUNCIL (ADDITION OF FOOTPATHS AT BABIS LANE AND TOWN QUAY IN THE PARISH OF SALTASH) MODIFICATION ORDER 2017





ROW/3295824

Pre-Inquiry Note

15 May 2024

Cornwall Council (Addition of Footpaths at Babis Lane and Town Quay in the Parish of Saltash) Modification Order 2017

Introduction:

1. The Inspector proposes to deal with certain administrative and procedural matters leading up to the Inquiry by means of this Pre-Inquiry Note. This note is intended to provide guidance to, and to seek additional information from, those participating in the Inquiry.

Main Issues:

2. The Order has been made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981, which requires me to consider whether, on the balance of probabilities, the evidence shows that a public footpath subsists over the Order routes.

What matters are not before the Inquiry Inspector:

3. While this may be a disappointment to some people, the law is quite clear that matters such as: environmental concerns; desirability of the proposals or desirability of suggested alternative routes; privacy; health and safety; security or otherwise of routes, are not considerations before the Inquiry Inspector in terms of a Definitive Map Modification.

Inquiry Venue and Dates:

4. The Inquiry will be held at: The Guildhall, Fore Street, Saltash, Cornwall PL12 6JQ.
5. The Inquiry will open at 10:00 hours on Tuesday, 11 June 2024. The Inquiry is scheduled for one day. Adjournments will be held for lunch and mid-morning/afternoon breaks as necessary.

Inquiry Timetable:

6. To avoid unnecessary repetition in the presentation of evidence, the Inquiry Inspector's initial thoughts are that the main issues, as set out above, might most efficiently be dealt with by round table discussion. The Inspector would lead that round table discussion informed by the respective parties' submitted proofs of evidence. The Inspector may have additional questions in respect of the main parties' respective statements of case and will provide opportunities to all interested parties to provide comments at the Inquiry.

-
7. The Inspector wishes to ensure that Inquiry time is efficiently used. It is the Inspector's intention that those who wish to speak in support of confirmation of the Order will be heard first, followed by those who wish to speak in objection to confirmation of the Order.
 8. The Inspector has not been notified that any party wishes to call any witnesses at the Inquiry. As such, the Inspector will hear from all those who wish to speak, and the Inspector may then have questions for those individuals. The Inspector will provide opportunity for all attending parties to make any further comments on the verbal submissions made at the Inquiry.
 9. Please find attached Provisional Inquiry Timetable for the 11 June 2024.

Opening and Closing Statements:

10. The Inspector has not been notified that any party wishes to make an opening or closing statement at the Inquiry. However, should any party wish to make such statements, then please confirm your name and provide an estimate of time needed to deliver such statements, to the Planning Inspectorate within 7 days of the date of this Pre-Inquiry Note.

Site Visit Arrangements:

11. The Inspector intends to conduct unaccompanied site visits to the area at times of both high tide and low tide. Such visits may occur either before, during or after the date of the Inquiry.

Mr A Spencer-Peet
Inquiry Inspector
15 May 2024

ROW/3295824

Provisional Timetable

Tuesday 11 June 2024

10:00 – 11:00	11:00 – 13:00	13:00 – 14:00	14:00 – 17:00
Inspector Introduction Site Visit Arrangements	Interested Persons – For those who attend the Inquiry and wish to speak in support of the Order	Lunch	Interested Persons – For those who attend the Inquiry and wish to speak in objection to the Order
Opening Statements (Opportunity for brief statements)	Round Table Discussion & Questions from Inspector		Any Further Round Table Discussions & Questions from Inspector
	Adjournment		Adjournment
	Interested Persons – For those who attend the Inquiry and wish to speak in objection to the Order		Closing Statements (Opportunity for brief statements)
	Round Table Discussion & Questions from Inspector		Any Other Applications

Please note: This is a draft timetable which may be reviewed and updated depending upon the availability of persons who can only attend the Inquiry at particular times. Parties are requested to contact the Planning Inspectorate in the event that they are only available to speak at certain times during the Inquiry. Time will be allocated within the timeslots for adjournments.

Please note: In respect of the time allocated within the Inquiry for Interested Persons who may wish to speak, the Inspector will also provide the same opportunity for any Interested Persons who wish to speak and who wish to take a neutral stance.