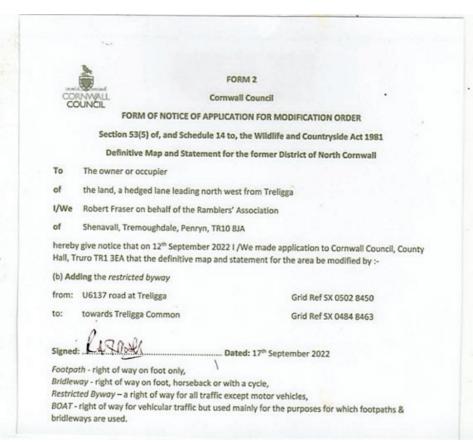


Application for Definitive Map Modification Order ('DMMO')
Treligga: WCA 852 Registered 15 February 2024
Submitted by Robert Fraser, Cornwall Ramblers



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DMMO Application Site Notice September 2022



DMMO Application Site Map

The Lane (shown above in green) is the area for consideration of Public Rights of Way
for purposes of modifying the Definitive Map and Statement by the Addition of a Restricted Byway
at Treligga towards Treligga Common

Click on link below to download a PDF version of this document or use the QR Code



https://www.ramblers.org.uk/go-walking/ramblers-groups/areas/cornwall-area/what-we-do#DMMO

The Ramblers' Association ('Ramblers') have applied for a Modification Order ('MO') under Section 53, Schedule 14 of the Wildlife and Countryside Act 1981 ('the Act'), to modify the Definitive Map and Statement of Public Rights of Way by the Addition of a Restricted Byway from U6137 road at Treligga towards Treligga Common ('the Lane').

Application details are available online @ https://secure.cornwall.gov.uk/DMMO/Web/?WcaRef=852
The Lane shown in green on the DMMO Application Site Map (see inside front cover) is the claimed route

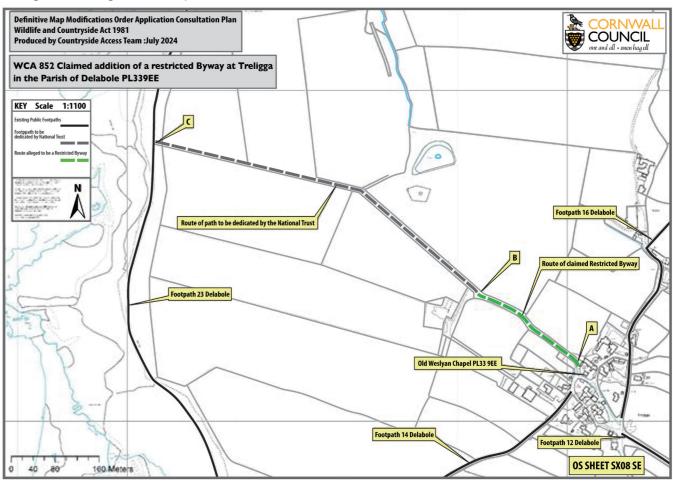


The Planning Inspectorate has directed under Schedule 14 3(2) that Cornwall Council ('CC') determine the application by 3 April 2026.

Ref. <u>https://www.gov.uk/guidance/schedule-14-decisions-in-2023#cornwall-council</u> (Click on Cornwall Council listing and then

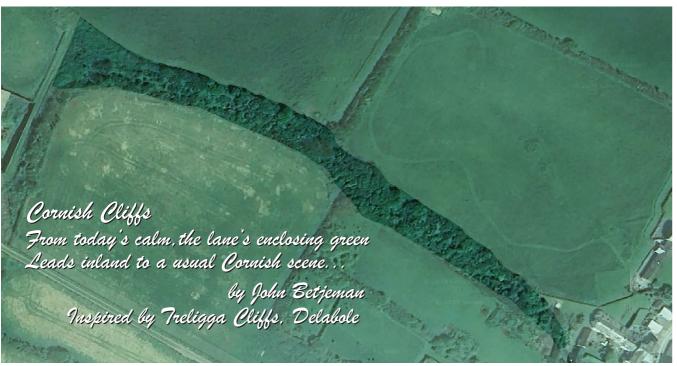
'ROW/3357289 Decision date: 3 April 2025')

The Lane is a cul-de-sac; however, it connects with a track on Royston Farm owned by the National Trust ('NT') which is a conservation and access charity and so in principle is supportive of improving the network of footpaths, especially where these can add value. If the DMMO application is successful, the NT intend to dedicate a right of way along the track (hereinafter referred to as 'NT footpath'). Restoration of the green Lane coupled with the dedication would provide the locality with easy access to panoramic clifftop views with excellent circular walks including the SW Coast Path 23 ('Coast Path'), a nationally designated long distance path.



CC Countryside Access Team Map above showing whole route (marked A-B-C) from Treligga to the Coast Path along the Lane (marked A-B in green) plus NT footpath (marked B-C in grey)

A direct link from Treligga to Treligga Cliffs on the Coast Path would be secured and connect very well with Footpath 12 (locally known as 'Rocky Lane') from the Poldark Inn in the larger settlement of Delabole.



The length of the whole route proposed is in an area designated as National Landscape, formerly Area of Outstanding Natural Beauty. The Lane is also within a designated Conservation Area where it is desirable to allow the public access to historic features including lanes and footpaths. The hamlet of Treligga is recorded in the Domesday Book 1086. The coast here is designated a Heritage Coast and the coastal strip is a County Wildlife Site.



Additional Notes

For those less able, the whole route would make it easier to reach the clifftops as it is a more even gradient and has about 17m (56ft) less rise and fall and no stile to climb, in contrast to the nearest access to the coast presently available, Footpath 14. It would avoid a modified and raised stile with 5 steps each side and adjacent barbed wire along the only existing footpath from Treligga down to Tregardock Beach. This stile falls far short of the requirements of BS5709. (See Pics, Page 3.)





Stile on Footpath 14 (566/14) from Treligga down to Tregardock Beach and back up Photos ©Robert Fraser, Cornwall Ramblers

In 2021 Delabole Parish Council ('DPC') voted to support the proposal for the Ramblers' application that public rights of way exist along the Lane on the basis of historic documentation.

Details of 8 June 2021 approved DPC Minutes are available online @ (a) https://www.delaboleparishcouncil.gov.uk/data/uploads/723_1323037404.pdf Item Nos. 21/041 (last para.) & 21/045



(b) https://www.delaboleparishcouncil.gov.uk/data/uploads/702_1344663795.pdf Minutes Report pages 24-29



In consideration of making an MO, in accordance with Schedule 14, Paragraph 3(1)(b) of the Act, CC (Public Rights of Way Team) is required to consult appropriate landowners, occupiers, local parish council, local Cornwall Council member and user groups. All such parties are given the opportunity to present evidence either for or against the claim, for consideration.

In 2024 the application, validated by CC on 15 February, was open to public consultation later that year when DPC voted their continuing support of the Ramblers.

Details of 13 August and 10 September 2024 approved DPC Minutes are available online @







This application is for legal examination as to whether public rights of way already exist along the Lane, not whether they should be created or taken away. Factors such as the suitability of a way for users who have a right to use it, or the nuisance that they are alleged to cause or likely to cause, the need for public access, desirability of the way, surface conditions, safety or other environmental factors are therefore irrelevant, and cannot be taken into consideration. The question is whether public rights existed in the past.

The owner or occupier of the Lane is unknown. Therefore the Ramblers were required by CC to place the DMMO application Site Notice + Map for a six week period at the Treligga end of the Lane where it leaves the hamlet. On 24 September 2022, notification was put up accordingly and regularly checked to be in place (see Pics, Page 4 and inside front cover). As yet, nobody has come forward as the owner or occupier.

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DMMO application Site Notice + Site Map in situ at eastern end of the Lane for a 6 week period from 24 September 2022, taken from the recorded end of the public road Photos ©Robert Fraser, Cornwall Ramblers

Additional Notes

Notification was made direct to the farmland owner and tenant farmer at the western end of the Lane due to public inaccessibility caused by a Cornish hedge (see below) across the eastern end of the Lane.



Cornish hedge built in 2020 at eastern end of the Lane in Treligga, photo May 2021

The Ramblers consider the tithe documents and Finance Act 1910 map are very clear evidence that the Lane was a road, now a restricted byway. If that is correct, then the Cornish hedge is an unlawful obstruction and cannot be regarded as permitted development.

The matter of the hedge was reported to DPC 6 October 2020 (Minute Item No. 12) shortly after its construction that year. The party responsible for having had the hedge built has not come forward and there has been no explanation as to its purpose.

Why should the Lane be re-opened & what is its condition?

In addition to direct access between Treligga and Treligga Cliffs, recent investigations show that this area needs responsible land management for the re-introduction of local wildlife.

The Lane is approx. 0.6 of an acre in area, the measured maximum width (taken from the 2nd edition 1:2500 scale OS map published 1908) is approx 14.9m (50ft) and the minimum about 5.4m (18ft). The length of the Path is 232m (765ft).



The Lane in February 2024 with a stream running down from the eastern end

The Lane is still recognisable and in fairly good condition in parts. A stream runs towards the clifftops from the eastern end and is controlled much as it has always been. At the western end the water enters a large pipe that takes it underground before exiting into a small stream on Treligga Farm which then flows down to Backways Cove.

There are a few fallen trees and ground overgrown with ivy and scrub for clearance. However, the eastern end has been overtaken by Giant Gunnera now extending down the waterway. It is an extremely invasive non-native species now banned for sale as it threatens local

ecosystems, habitats and native wildlife. This Brazilian salt-tolerant, moisture-loving bog plant – with rhizomes extending more than 1m (3ft) underground and thousands of seeds produced annually – reaches over 3m (10ft) tall and 4.3m (14ft) wide shading all other plants from light. Its winter die-back often leaves bare soil that is left open to erosion which causes a significant impact on local flora and fauna. Its removal is essential.



Would there be disturbance to the Wildlife?



The Lane is suffering neglect. Other than the local explosion of rabbits in the hedgerows, visible wildlife is scarce and there is little birdlife to be heard. Older members of the Delabole community have childhood memories of the Lane teeming with life.

There is no longer a complete track or wildlife corridor for larger animals (foxes, badgers etc.) so they will not readily visit the Lane to hunt. Birds of prey keep well clear as it is no longer suitable for their hunting techniques.

The Lane canopy needs opening up to allow sunlight in and life to thrive. The Gunnera needs replacing by native flora such as rowan, hawthorn, holly, English bluebells, wild primroses etc. to provide nectar, pollen, berries and seeds throughout the year as part of a healthy wildlife food chain. Various re-wilding (both passive and active) is advisable in various areas to reintroduce a balanced healthy ecosystem.

Clearance of the Lane should be conducted outside the breeding season to avoid disturbance to smaller nesting birds. The area is not a natural nesting site for large birds of prey such as buzzards and peregrine falcons which have a preference for cliffs and owls for old buildings. Established trees should not be felled in order to prevent loss of habitat to species which make use of them. The hedgerows on each side of the Lane would need to remain for small animal and bird wildlife habitat.

With a ready group of registered volunteers, this area would be saved and hopefully attract more of our native natural world securing its future as a wonderful addition to the local amenities.

What will happen once the route has left the Lane in Treligga?

The NT footpath would lead directly from the western end of the Lane along an existing fenced track on Royston Farm, to be extended further westward, to create a continuous walk to the Coast Path. (See whole route A-B-C on CC Countryside Access Team Map, Page 1.)

The NT footpath (B-C) would therefore provide a cattle-free, flat and easy walk with sweeping views across Treligga Cliffs northwards to Tintagel Castle and Lundy Isle and southwards over Port Isaac Bay and The Rumps.

Additional Notes

Not all walkers may wish or are able to climb over the stile, recognised by the Ramblers as one of the worst, along Footpath 14. It's followed by a sloping path down towards Tregardock Beach, then up a steep hill path to the clifftops. Currently this is the only option direct from Treligga to Treligga Cliffs.



Looking eastwards up the NT footpath along the farm track to Treligga



Looking westwards down the NT footpath along the farm track to Treligga Cliffs

For an inclusive society there needs to be countryside access for all, not just the fittest walkers. This would be a wonderful opportunity for the amazing clifftop footpaths and expansive views to be shared by the Delabole community and visitors alike, including those who are less able or more elderly. Even if one couldn't make it all the way, the glorious land and seascape panoramas and splendid sunsets can be enjoyed.



South westerly view across Port Isaac Bay over to the Rumps & the Moules beyond, photo taken from the NT footpath along the farm track

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How possibly could there ever be any objection to such a positive and forward-looking amenity for physical health and mental wellbeing?

If an MO is confirmed and the rights of way recorded on the Definitive Map and Statement, it would open up this once in a lifetime opportunity for everyone for all time.



Northerly view from Treligga Cliffs overlooking Backways Cove and onwards to Tintagel along the Coast Path



South westerly view of Tregardock Beach along the Coast Path from Treligga Cliffs



What is the connection to Sir John Betjeman?

The Betjeman Society continues its support and endorsement of the DMMO application for such a rare opportunity for improved public access to this beautiful part of the Cornish coastline, JB's lifelong love from his earliest childhood holidays from 1908 until he died in 1984. Below is a copy of a hand-written spring poem "Treligga Cliffs, Delabole" by Sir John for a pair of newly-weds wishing their return to Cornwall.

He was inspired later to publish "Cornish Cliffs" in which he refers to the Lane which is of particular interest and importance to the Society.

Cornish Cliffs

A far-off blow-hole booming like a gun-The seagulls plane and circle out of sight Below this thirsty, thrift-encrusted height, The veined sea-campion buds burst into white And gorse turns tawny orange, seen beside Pale drifts of primroses cascading wide To where the slate falls sheer into the tide. More than in gardened Surrey, nature spills A wealth of heather, kidney-vetch and squalls Over these long-defended Cornish hills. A gun-emplacement of the latest war Looks older than the hill fort built before Saxon or Norman headed for the shore. And in the shadowless, unclouded glare Deep blue above us fades to whiteness where A misty sea-line meets the wash of air. Nut-smell of gorse and honey-smell of ling Waft out to sea the freshness of the spring On sunny shallows, green and whispering. The wideness which the lark-song gives the sky Shrinks at the clang of sea-birds sailing by Whose notes are tuned to days when seas are high. From today's calm, the lane's enclosing green Leads inland to a usual Cornish scene-Slate cottages with sycamore between, Small fields and tellymasts and wires and poles. With, as the everlasting ocean rolls, Two chapels built for half a hundred souls. John Betjeman

Those moments, tasted once and never done,

Of long surf breaking in the mid-day sun.

