

# NOTICE OF ORDER

## HIGHWAYS ACT 1980 SECTION 119

Cornwall Council  
(Footpath No 5 Illogan (Part)) (Portreath Phase 2) Public Path Diversion  
Order 2016

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.

The **start date** for the above Order is **18 January 2017**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be to divert a length of Public Footpath number 5 Illogan commencing from a point where it has a junction with that part of Public Footpath number 5 to be retained approximately 85 metres south of the property number 1 "Tregea Close" at Ordnance Survey Grid Reference (OSGR) SW 6565/4459 shown as point "A" on the order map thence running in a generally east-south-easterly direction for a distance of 114 metres to a point where it has a junction with that part of footpath number 5 Illogan to be retained approximately 58 metres south-south-west of the property "Lea Bank" Feadon Lane" at OSGR SW 6576/4458 shown as point "B" on the order map to a line consisting of:

(i) A length of Public Footpath in the Parish of Illogan commencing from a point where it has a junction with that part of Public Footpath number 5 to be retained approximately 85 metres south of the property number 1 "Tregea Close" at Ordnance Survey Grid Reference (OSGR) SW 6565/4459 shown as point "A" on the order map thence running in a generally northerly direction for a distance of 1 metre to a point where it has a junction with that length of Public Footpath in the Parish of Portreath to be created by this order and described in (ii) below at the parish boundary approximately 84 metres south of the property number 1 "Tregea Close" at OSGR SW 6565/4459 shown as point "C" on the order map.

(ii) A length of Public Footpath in the Parish of Portreath commencing from a point where it has a junction with that length of Public Footpath in the Parish of Illogan to be created by this order and described at (i) above at the parish boundary 84 metres south of the property number 1 "Tregea Close" at Ordnance Survey Grid Reference (OSGR) SW 6565/4459 shown as point "C" on the order map thence running in a generally north-north-

westerly, east-north-easterly, east-south-easterly and south-south-easterly direction for a distance of 181 metres to a point where it has a junction with that length of Public Footpath in the Parish of Illogan to be created by this order and described in (iii) below at the parish boundary approximately 57 metres south-south-west of the property "Lea Bank" Feadon Lane" at OSGR SW 6576/4458 shown as point "D" on the order map.

(iii) A length of Public Footpath in the Parish of Illogan commencing from a point where it has a junction with that length of Public Footpath in the Parish of Portreath to be created by this order and described at (ii) above at the parish boundary approximately 57 metres south-south-west of the property "Lea Bank" Feadon Lane at Ordnance Survey Grid Reference (OSGR) SW 6576/4458' shown as point "D" on the order map thence running in a generally south-south-easterly direction for a distance of 1 metre to a point where it has a junction with that part of footpath number 5 Illogan to be retained approximately 58 metres south-south-west of the property "Lea Bank" Feadon Lane" at OSGR SW 6576/4458 shown as point "B" on the order map.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: [helen.sparks@pins.gsi.gov.uk](mailto:helen.sparks@pins.gsi.gov.uk) Please quote reference number FPS/D0840/4/16 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment during normal office hours (excepting Public and Bank Holidays) at the offices of Cornwall Council, Redruth One Stop Shop, Clinton Road, Redruth, Cornwall, TR15 2QE. To arrange a viewing, please contact the Cornwall Information Centre on Telephone Number 0300 1234 100.

### **Timetable for sending in statements of case and comments**

#### **Within 2 weeks of the start date [by 1 February 2017]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

#### **Within 8 weeks of the start date [by 15 March 2017]**

Everyone who has made an objection or representation or any other written representation must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the

Authority's offices) will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order.

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

**Within 14 weeks of the start date [by 26 April 2017]**

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order(s) must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for w/r

**PUBLIC PATH DIVERSION ORDER**

**HIGHWAYS ACT 1980**

**CORNWALL COUNCIL**

**THE CORNWALL COUNCIL (FOOTPATH No. 5, ILLOGAN (PART))  
(PORTREATH PHASE 2)  
PUBLIC PATH DIVERSION ORDER 2016**

THIS ORDER is made by Cornwall Council ("the Authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that in the interests of the owners of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted;

Galliford Try Partnerships Ltd of Keybury House, Decoy Industrial Estate, Newton Abbot, Devon TQ12 5ND has agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new sites of the paths into a fit condition for use by the public.

**BY THIS ORDER:**

1. The public right of way over the land situate south of the named estate road, "The Incline" in the Parish of Illogan shown by a bold continuous line on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up on the date on which Cornwall Council certify that work has been carried out to bring the site of the new highway mentioned in Part 2 of the Schedule to this order into a fit condition for use by the public.
2. Notwithstanding paragraph 1 of this order, statutory undertakers shall have the same rights over the land referred to in paragraph 1 above, in respect of their apparatus under, in, upon, over, along, or across the said land as they had immediately before the date of confirmation of this order.
3. There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land situate to the south of the named estate road "The Incline" in the Parishes of Illogan and Portreath described in Part 2 of the Schedule to this order and shown by a bold broken line on the map attached to this order.
4. The rights conferred on the public under this order shall not be subject to any limitation or condition.
5. This Order may be cited as "The Cornwall Council (Footpath No 5, Illogan (Part)) (Portreath Phase 2) Public Path Diversion Order 2016".

GIVEN under the Common Seal of the Council this *27<sup>th</sup>* day of *April* 2016

THE COMMON SEAL OF THE )  
CORNWALL COUNCIL )  
was hereunto affixed in )  
the presence of:- )

*J. Sleeman*

Authorised signatory

*Jonathan Sleeman*  
Senior Legal Officer  
Legal Services

CORNWALL COUNCIL



## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING PATH OR WAY

A length of Public Footpath number 5 Illogan commencing from a point where it has a junction with that part of Public Footpath number 5 to be retained approximately 85 metres south of the property number 1 "Tregea Close" at Ordnance Survey Grid Reference (OSGR) SW 6565/4459 shown as point "A" on the attached map thence running in a generally east-south-easterly direction for a distance of 114 metres to a point where it has a junction with that part of footpath number 5 Illogan to be retained approximately 58 metres south-south-west of the property "Lea Bank" Feadon Lane" at OSGR SW 6576/4458 shown as point "B" on the attached map.

The Definitive Statement records an average width of 18" (eighteen inches) to 4' 0" (four feet) for Footpath number 5 Illogan. For the avoidance of doubt it is intended to stop up the highway described above in its entirety.

## PART 2

### DESCRIPTION OF SITE OF NEW PATH OR WAY

- (i) A length of Public Footpath in the Parish of Illogan commencing from a point where it has a junction with that part of Public Footpath number 5 to be retained approximately 85 metres south of the property "1 Tregea Close" at Ordnance Survey Grid Reference (OSGR) SW 6565/4459 shown as point "A" on the attached map thence running in a generally northerly direction for a distance of 1 metre to a point where it has a junction with that length of Public Footpath in the Parish of Portreath to be created by this order and described in (ii) below at the parish boundary approximately 84 metres south of the property "1, Tregea Close" at OSGR SW 6565/4459 shown as point "C" on the attached map.
- (ii) A length of Public Footpath in the Parish of Portreath commencing from a point where it has a junction with that length of Public Footpath in the Parish of Illogan to be created by this order and described at (i) above at the parish boundary 84 metres south of the property number 1 "Tregea Close" at Ordnance Survey Grid Reference (OSGR) SW 6565/4459 shown as point "C" on the attached map thence running in a generally north-north-westerly, east-north-easterly, east-south-easterly and south-south-easterly direction for a distance of 181 metres to a point where it has a junction with that length of Public Footpath in the Parish of Illogan to be created by this order and described in (iii) below at the parish boundary approximately 57 metres south-south-west of the property "Lea Bank, Feadon Lane" at OSGR SW 6576/4458 shown as point "D" on the attached map.
- (iii) A length of Public Footpath in the Parish of Illogan commencing from a point where it has a junction with that length of Public Footpath in the Parish of Portreath to be created by this order and described at (ii) above at the parish boundary approximately 57 metres south-south-west of the property "Lea Bank, Feadon Lane" at Ordnance Survey Grid Reference (OSGR) SW 6576/4458 shown as point "D" on the attached map thence running in a generally south-south-easterly direction for a distance of 1 metre to a point where it has a junction with that part of footpath number 5 Illogan to be retained approximately 58 metres south-south-west of the property "Lea Bank" Feadon Lane" at OSGR SW 6576/4458 shown as point "B" on the attached map.

The lengths of Public Footpath described above at (i), (ii) and (iii) shall each have a width of 1.80 (one point eight) metres throughout.

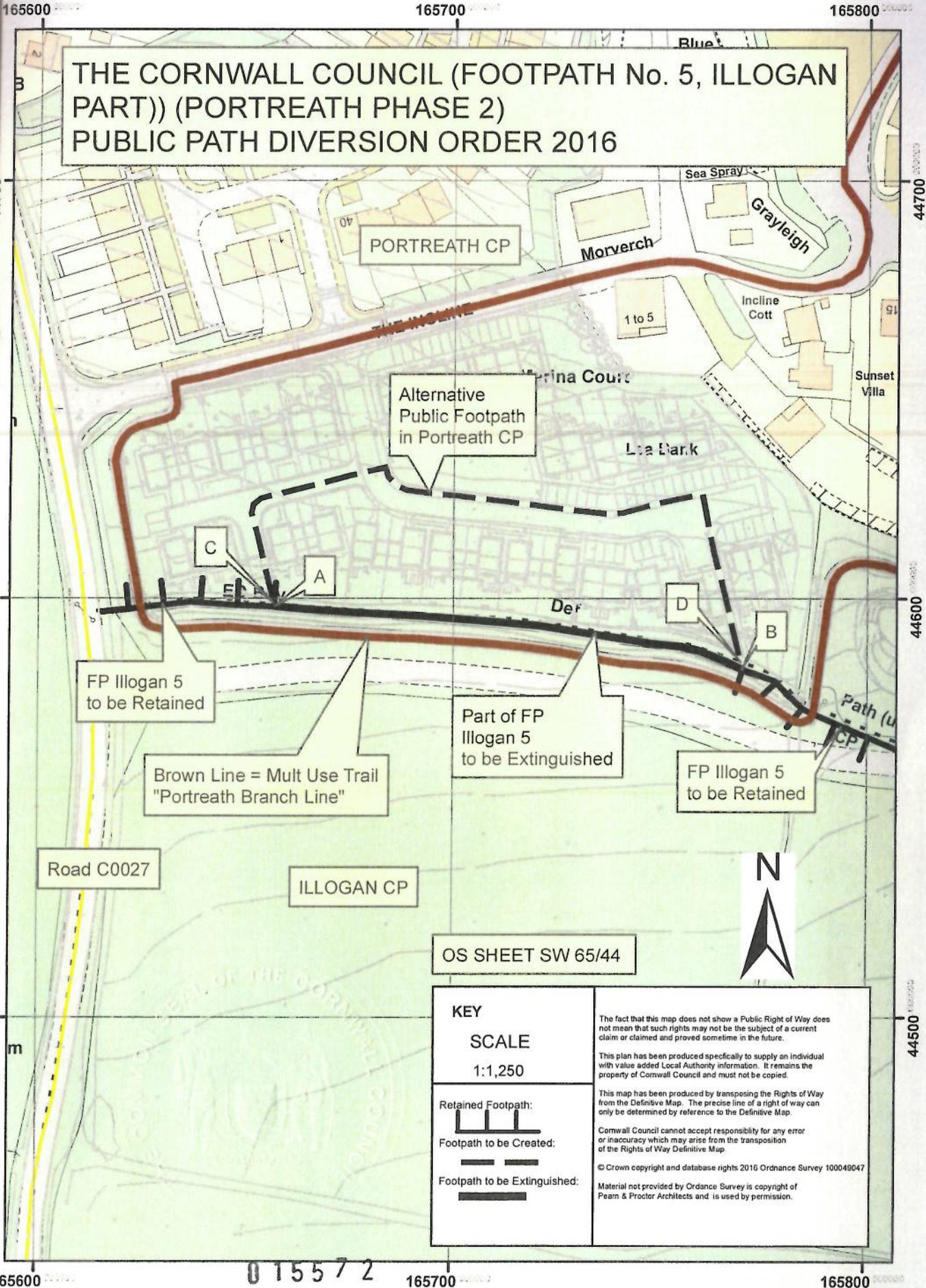
Highways Act 1980 Section 119 Order Map Re: File TAD 082

Parish: ILLOGAN CP also PORTREATH CP  
Path Number: FP/214/5

Produced by Countyside Access Team: April 2016



# THE CORNWALL COUNCIL (FOOTPATH No. 5, ILLOGAN PART)) (PORTREATH PHASE 2) PUBLIC PATH DIVERSION ORDER 2016



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FP Illogan 5 to be Retained

Brown Line = Mult Use Trail "Portreath Branch Line"

Part of FP Illogan 5 to be Extinguished

FP Illogan 5 to be Retained

Alternative Public Footpath in Portreath CP

OS SHEET SW 65/44

<b>KEY</b>		<p>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.</p> <p>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.</p> <p>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.</p> <p>Cornwall Council cannot accept responsibility for any error or inaccuracy which may arise from the transposition of the Rights of Way Definitive Map.</p> <p>© Crown copyright and database rights 2016 Ordnance Survey 100049047</p> <p>Material not provided by Ordnance Survey is copyright of Peam &amp; Proctor Architects and is used by permission.</p>
<b>SCALE</b>		
1:1,250		
Retained Footpath:		
Footpath to be Created:		
Footpath to be Extinguished:		



HIGHWAYS ACT 1980  
SECTION 119

CORNWALL COUNCIL  
(FOOTPATH No. 5, ILLOGAN (PART))  
(PORTREATH PHASE 2)  
PUBLIC PATH DIVERSION ORDER

2016

MADE BY CORNWALL COUNCIL ON:

27 APRIL 2016