PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

CORNWALL COUNCIL

THE CORNWALL COUNCIL (FOOTPATH No. 38, ST BURYAN (PART))
(BOSKENNAL BARTON)
PUBLIC PATH DIVERSION ORDER 2014

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;

Mr & Mrs Clarke and Mr & Mrs Ryan have 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 site of the path into a fit condition for use by the public.

BY THIS ORDER:

1. The public right of way over the land situate at "Boskennal Barton" in the Parish of St Buryan shown by a bold black continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 14 days from the date of confirmation of this Order.

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, on, 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 21 days from the date of confirmation of this Order be a public footpath over the land situate to the east and north of "Boskennal Barton" in the Parish of St Buryan described in Part 2 of the Schedule to this Order and shown by a bold black broken line on the map attached to this Order.

3. The rights conferred on the public under this Order shall not be subject to any limitations or conditions.

4. This Order may be cited as "The Cornwall Council (Footpath No. 38, St Buryan (Part))(Boskennal Barton) Public Path Diversion Order 2014".

GIVEN under the Common Seal of the Council this 2nd day of September 2014

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

Authorised signatory
Jayne Broadway
Principal Legal Officer
Legal Services
CORNWALL COUNCIL
SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That length of Public Footpath number 38 St Buryan commencing from a point where it has a junction with that part of Public Footpath number 38 to be retained approximately 60 metres south-south-east of the property number 1 "Boskennal Barton" at Ordnance Survey Grid Reference (OSGR) SW 4127/2499 shown as point "A" on the attached map thence running in a generally north-westerly direction for a distance of 82 metres to a point where it has a junction with the south-eastern termination of that length of Public Bridleway number 37 St Buryan to be extinguished in another order approximately 37 metres west-north-west of the property number 1 "Boskennal Barton" at OSGR SW 4122/2506 shown as point "B" on the attached map.

The Definitive Statement records that Public Footpath number 38 St Buryan has an average width of 3'0" (three feet). For the avoidance of doubt the intention of the order is to stop up the highway described above in its entirety.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

A length of Public Footpath in the Parish of St Buryan commencing from a point where it has a junction with that part of Public Footpath number 38 to be retained approximately 60 metres south-south-east of the property number 1 "Boskennal Barton" at Ordnance Survey Grid Reference (OSGR) SW 4127/2499 shown as point "A" on the attached map thence running in a north-north-easterly then north-westerly and then south-westerly direction for a distance of 217 metres to a point where it has a junction with that part of Public Bridleway number 37 St Buryan to be retained approximately 52 metres north-west of the property number 1 "Boskennal Barton" at OSGR SW 4121/2507 shown as point "C" on the attached map.

The Public Footpath described above shall have a width of 2.0 (two) metres throughout.

The width of the new Public Footpath shall be evenly distributed about the centreline of the track as surveyed by Ordnance Survey on the attached map.
THE CORNWALL COUNCIL (FOOTPATH No. 38, ST BURYAN (PART))(BOSKENNAL BARTON) PUBLIC PATH DIVERSION ORDER 2014

Public Bridleway number 37 St Buryan to be retained

Part of Public Bridleway Number 37 to be Extinguished in another Order

Part of Public Footpath number 38 St Buryan to be Extinguished

Public Footpath number 38 St Buryan to be retained

KEY

Scale: 1:1,000

Footpath to be Retained

Bridleway to be Retained

Footpath to be Created

Footpath to be Extinguished

RT Extinguished in other order

OS SHEET SW 41/24 & SW 41/25

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 claimant. This plan has been produced with Local Authority information, it retains the property of Cornwall Council and must not be copied. This map has been produced by transparenting 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.

Countryside Council cannot accept responsibility for any error of necessity which may arise from the transparency of the Rights of Way Definitive Map.

© Crown copyright and database rights 2015 Ordnance Survey O90065647
HIGHWAYS ACT 1980

SECTION 119

CORNWALL COUNCIL

(FOOTPATH No. 38, ST BURYAN (PART))

(BOSKENNAL BARTON)

PUBLIC PATH DIVERSION ORDER

2014