

NOTICE OF ORDER

HIGHWAYS ACT 1980 SECTION 119

THE CORNWALL COUNCIL
(FOOTPATH NO. 15, SENNEN (PART))
PUBLIC PATH DIVERSION ORDER 2013

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 May 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 part of a Public 15 in the Parish of Sennen from a point where it has a junction with that part of footpath number 15 to be retained 18 metres south-west of the property "Homeland" at Ordnance Survey Grid Reference (OSGR) SW 3518/2600 then running in a generally easterly direction for a distance of 138 metres to a point on the western boundary of the immediate curtilage of the property "No Place" at OSGR SW 3532/2599 then in a generally east-south-easterly direction for a distance of 49 metres to a point on the eastern boundary of the immediate curtilage of the property "No Place" at OSGR SW 3536/2597 then running in a generally east-south-easterly direction for a distance of 124 metres to a point where it has a junction with that part of footpath number 15 to be retained approximately 141 metres east-south-east of the property "No Place" at OSGR SW 3547/2591 to a line from a point where it joins that part of footpath number 15 to be retained 18 metres south-west of the property "Homeland" at OSGR SW 3518/2600 then running in a generally east-north-easterly direction for a distance of 62 metres to a point approximately 51 metres east-north-east of the property "Homeland" at OSGR SW 3524/2602 then running in a generally north-north-westerly direction for a distance of 11 metres to a point approximately 48 metres east-north-east of the property "Homeland" at OSGR SW 3524/2603 then running in a generally east-north-easterly direction for a distance of 55 metres to a point approximately 59 metres south-south-east of the property "Homer Vineyard" at OSGR SW 3529/2605 then running in a generally easterly and east-south-easterly direction for a distance of 105 metres to a point approximately 81 metres north-north-east of the property "No Place" at OSGR SW 3539/2603 then running in a generally south-easterly direction for a distance of 151 metres to a point where it has a junction with that part of footpath number 15 Sennen to be retained 141 metres east-south-east of the property "No Place" at OSGR SW 3547/2591.

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. Please quote reference number ROW/3168622 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at the offices of Cornwall Council, Truro One Stop Shop, Pydar House, Pydar Street, Truro, Cornwall, TR1 1XU during normal office hours. Council contact Mike Eastwood, Tel: 0300 1234 202, Email: meastwood@cornwall.gov.uk

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 01 June 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 13 July 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 24 August 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. 15, SENNEN (PART))

PUBLIC PATH DIVERSION ORDER 2013

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 owner 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 Francis Kean 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 site of the path into a fit condition for use by the public.

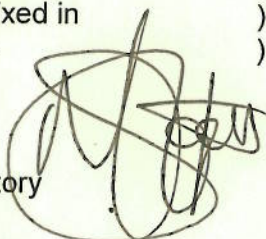
BY THIS ORDER:

1. The public right of way over the land situate at the property "No Place" in the Parish of Sennen 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 north of the property "No Place" in the Parish of Sennen 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 be subject to the limitations and conditions set out in Part 3 of the Schedule.
5. This Order may be cited as "The Cornwall Council (Footpath No. 15, Sennen (Part)) Public Path Diversion Order 2013".

GIVEN under the Common Seal of the Council this 18th day of JULY 2013

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

Authorised signatory



Elizabeth Davies
Corporate Governance and
Commercial Group Manager
Legal Services
Cornwall Council



008435

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

**MADE BY CORNWALL
COUNCIL**

Signed: 

Date: 30 January 2017

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

A length of Public Footpath number 15 in the Parish of Sennen commencing at a point where it has a junction with that part of footpath number 15 to be retained approximately 18 metres south-west of the property "Homeland" at Ordnance Survey Grid Reference (OSGR) SW 3518/2600 shown as Point "A" on the attached map thence running in a generally easterly direction for a distance of 138 metres to a point on the western boundary of the immediate curtilage of the property "No Place" at OSGR SW 3532/2598 shown as Point "B" on the attached map thence in a generally east-south-easterly direction for a distance of 49 metres to a point on the eastern boundary of the immediate curtilage of the property "No Place" at OSGR SW 3536/2597 shown as Point "C" on the attached map thence running in a generally east-south-easterly direction for a distance of 124 metres to a point where it has a junction with that part of footpath number 15 to be retained approximately 141 metres east-south-east of the property "No Place" at OSGR SW 3547/2591 shown as Point "D" on the attached map.

A total length of 311 metres.

The Definitive Statement records an average width of 3' 0" (three feet) for Public Footpath number 15 Sennen. For the avoidance of doubt the intention of the Order is to stop up the above mentioned length of path in its entirety.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

A length of Public Footpath in the Parish of Sennen commencing at a point where it has a junction with that part of footpath Sennen number 15 to be retained approximately 18 metres south-west of the property "Homeland" at Ordnance Survey Grid Reference (OSGR) SW 3518/2600 shown as Point "A" on the attached map thence running in a generally east-north-easterly direction for a distance of 62 metres to a point approximately 51 metres east of the property "Homeland" at OSGR SW 3524/2602 shown as point "E" on the attached map thence running in a generally north-north-westerly direction for a distance of 11 metres to a point approximately 48 metres east-north-east of the property "Homeland" at OSGR SW 3524/2603 shown as point "F" on the attached map thence running in a generally east-north-easterly direction for a distance of 55 metres to a point approximately 59 metres south-south-east of the property "Homer Vineyard" at OSGR SW 3529/2604 shown as point "G" on the attached map thence running in a generally easterly and east-south-easterly direction for a distance of 105 metres to a point approximately 81 metres north-north-east of the property "No Place" at OSGR SW 3539/2603 shown as point "H" on the attached map thence running in a generally south-easterly direction for a distance of 151 metres to a point where it has a junction with that part of footpath number 15 Sennen to be retained approximately 141 metres east-south-east of the property "No Place" at OSGR SW 3547/2591 shown as point "D" on the attached map.

A total length of 384 metres

The Public Footpath described above shall have a width of 2.0 metres throughout. Between the points "A" to "E" to "F" to "G" where the Public Footpath lies adjacent to a boundary the centre line of the path shall be 2.0 metres from the nearest point of the fixed boundary.

SCHEDULE
PART 3
LIMITATIONS AND CONDITIONS

Schedule Part 3 (i)	
Limitation Type	Kissing Gate
Standard	British Standard 5709:2006. "Gaps, Gates and Stiles. Specification" ISBN 0 580 48 107 7
Variance from Standard	None
Design	In accord with BS 5709:2006
Position	OSGR SW 3518/2600 [Boundary adjacent to Point "A" on Order Map]
Variation of Limitation or Stipulation in respect of Limitation	None
Design Details	Gate to be of wooden construction
Maintenance Responsibility	To be maintained by landowner

Schedule Part 3 (ii)	
Limitation Type	Kissing Gate
Standard	British Standard 5709:2006. "Gaps, Gates and Stiles. Specification" ISBN 0 580 48 107 7
Variance from Standard	None
Design	In accord with BS 5709:2006
Position	OSGR SW 3529/2604 [Boundary adjacent to Point "G" on Order Map]
Variation of Limitation or Stipulation in respect of Limitation	None
Design Details	Gate to be of wooden construction
Maintenance Responsibility	To be maintained by landowner

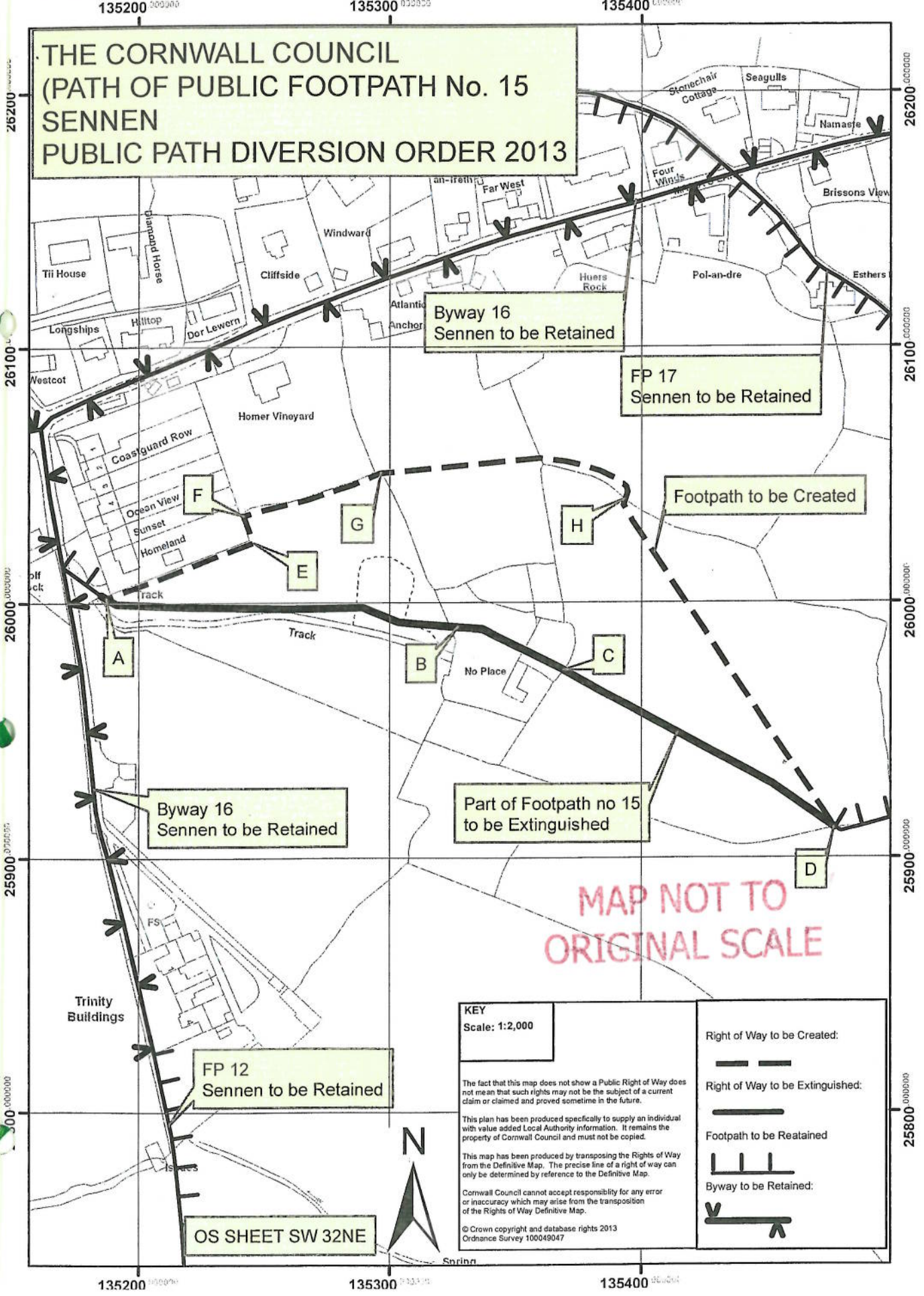
Highways Act 1980 Section 119 Order Plan: Re File HAD 145

Parish: SENNEN CIVIL PARISH Path Number: FP/118/15

Produced by Countryside Access Team: 27 June 2013



THE CORNWALL COUNCIL (PATH OF PUBLIC FOOTPATH No. 15 SENNEN PUBLIC PATH DIVERSION ORDER 2013



MAP NOT TO ORIGINAL SCALE

<p>KEY Scale: 1:2,000</p> <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 2013 Ordnance Survey 100049047</p>	<p>Right of Way to be Created: ---</p> <p>Right of Way to be Extinguished: ---</p> <p>Footpath to be Retained ---</p> <p>Byway to be Retained: ---</p>
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OS SHEET SW 32NE



HIGHWAYS ACT 1980

CORNWALL COUNCIL

(FOOTPATH No. 15, SENNEN
(PART))

PUBLIC PATH DIVERSION
ORDER

2013

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

**MADE BY CORNWALL
COUNCIL**

Signed: 

Date:  2017