

NOTICE OF ORDER

Town and Country Planning Act 1990

Cornwall Council

Footpath Sections of Right of Way No. 57, Chacewater (Parts): Former Hallenbeagle Mine Site (South-West Part) Varying 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.

The **start date** for the above Order is **23 May 2018**

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 vary 'The Cornwall Council Footpath Sections of Right of Way No. 57, Chacewater (Parts): Former Hallenbeagle Mine Site (South-West Part) Diversion and Stopping Up Order 2013' as follows:

Variation of paragraph (i) of Part 1 from, 'immediately north of the northern boundary of the operational land of the railway undertaker "Network Rail" 100 metres north of "Hallenbeagle Cottages" at Ordnance Survey Grid Reference (OSGR) SW 7255/4457 shown as point "A" on the attached map thence running in a generally north-north-westerly direction for 36 metres' to '116 metres north of "Hallenbeagle Cottages" at Ordnance Survey Grid Reference (OSGR) 7255/4458 shown as point "G" on the attached map then running in a generally northerly direction for 20 metres'.

Variation of paragraph of Part 2 from, 'immediately north of the northern boundary of the operational land of the railway undertaker "Network Rail" 100 metres north of "Hallenbeagle Cottages" at OSGR SW 7255/4457 shown as point "A" on the attached map thence running in a generally south-south-westerly direction for 365 metres to a point where it has a junction with that part of Public Footpath number 12 St Day to be retained at the parish boundary 54 metres north-east of the Scorrier Methodist Church at OSGR SW 7236/4426 shown as point "E" on the attached map'. to '116 metres north of "Hallenbeagle Cottages" at (OSGR) 7255/4458 shown as point "G" on the attached map then continuing in a generally westerly then northerly then westerly then south-westerly then westerly then south-westerly then south-easterly then south-westerly direction for a distance of 457 metres to a point where it has a junction with that part of Public Footpath No.12 St Day to be retained at the Chacewater - St Day Parish Boundary 342 metres south-west of Hallenbeagle Cottages' at SW 7227/4433 shown as point "F" on the attached map'. These variations are those changes to the Schedule and Order Map of the 2013 Order that are marked in red.

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/3196958 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 at Pydar House, Pydar Street, Truro, Cornwall TR1 1XU. Tel 0300 1234 202

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 6 Jun 2018]

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 18 July 2018]

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 29 August 2018]

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 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

ORDER VARYING A PUBLIC PATH ORDER

CORNWALL COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 SECTIONS 257 AND 333(7)

THE CORNWALL COUNCIL FOOTPATH SECTIONS OF RIGHT OF WAY No. 57,
CHACEWATER (PARTS):
FORMER HALLENBEAGLE MINE SITE (SOUTH-WEST PART)
VARYING ORDER 2017

1. On 1 May 2013 Cornwall Council being the Planning Authority and in pursuance of the powers of the Town and Country Planning Act 1990 Section 257 made a Public Path Order, 'The Cornwall Council Footpath Sections of Right of Way No. 57, Chacewater (Parts): Former Hallenbeagle Mine Site (South-West Part) Diversion and Stopping Up Order 2013'
2. Cornwall Council made an Order under section 257 of the Town and Country Planning Act 1990 because it was satisfied that it was necessary to stop up and divert the footpaths to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 [Planning Reference SA 04/0545/09/M].
3. On 5 June 2013 Cornwall Council confirmed 'The Cornwall Council Footpath Sections of Right of Way No. 57, Chacewater (Parts): Former Hallenbeagle Mine Site (South-West Part) Diversion and Stopping Up Order 2013' as an unopposed Order.
4. Article 4 of the Diversion and Stopping Up Order 2013 required that a replacement highway was constructed as described in Part 2 of the Schedule to the 2013 Order and depicted in the Order Map between points A and E. The developers have been unable to construct the replacement highway as they have been unable to obtain consent from Network Rail for the undertaking of works near to the Railway Line. This Order describes the variations to the 2013 Order that are necessary to enable Cornwall Council to be satisfied that the alternative highways have been created to the reasonable satisfaction of the authority in accordance with Article 2 of the Diversion and Stopping Up Order 2013.
5. Cornwall Council, having regard to all of the material considerations, considers that it is expedient to vary 'The Cornwall Council Footpath Sections of Right of Way No. 57, Chacewater (Parts): Former Hallenbeagle Mine Site (South-West Part) Diversion and Stopping Up Order 2013'.
6. A copy of 'The Cornwall Council Footpath Sections of Right of Way No. 57, Chacewater (Parts): Former Hallenbeagle Mine Site (South-West Part) Diversion and Stopping Up Order 2013', depicting the required variations is annexed as the Schedule to this Order. The variations are those changes to the 2013 Order that are marked in red.
7. This Order may be cited as 'The Cornwall Council Footpath Sections of Right Of Way No. 57, Chacewater (Parts): Former Hallenbeagle Mine Site (South-West Part) Varying Order 2017'.

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

MADE BY CORNWALL
COUNCIL

Signed: [REDACTED]

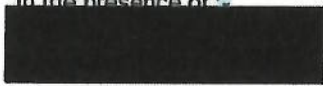
Date: 26 October 2017

...Continued from the previous page containing the Articles of the Order

NOW THEREFORE Cornwall Council as Local Planning Authority and in pursuance of Sections 257 and 333(7) of the Town and Country Planning Act 1990 hereby make the following Order:-

'The Cornwall Council Footpath Sections of Right of Way No. 57, Chacewater (Parts): Former Hallenbeagle Mine Site (South-West Part) Diversion and Stopping Up Order 2013' made by Cornwall Council on 1 May 2013 and confirmed by Cornwall Council on 5 June 2013 shall be varied as described in Article 6 of this Order. The variations to the Order shall take effect upon the date of confirmation of this Order.

GIVEN under the Common Seal of the Council this 21st day of October 2017
EXECUTED as a Deed by affixing)
THE COMMON SEAL)
OF THE CORNWALL COUNCIL)
In the presence of)



Authorised signatory

~~Jonathan Stretton~~

Senior Legal Officer

Legal Services

CORNWALL COUNCIL



019772

SCHEDULE

A COPY OF

'The Cornwall Council Footpath Sections of Right of Way No. 57, Chacewater (Paris): Former Hallenbeagle Mine Site (South-West Part) Diversion and Stopping Up Order 2013' with variations marked in red.

PUBLIC PATH DIVERSION AND STOPPING UP ORDER

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

**THE CORNWALL COUNCIL (FOOTPATH SECTIONS OF RIGHT OF WAY No. 57,
CHAGEWATER (PARTS): FORMER HALLENBEAGLE MINE SITE (SOUTH-WEST
PART) DIVERSION AND STOPPING UP ORDER 2013**

THIS ORDER is made by Cornwall Council ("the Authority") under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert and stop up the footpaths to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely construction of estate roads and services, structural landscaping, plot layout and building design to each plot at the former Hallenbeagle Mine Site, Scorrier, Redruth. Planning Reference SA 04/0545/09/M.

BY THIS ORDER

1. The footpaths over the land shown by bold black lines on the attached map and described in Part 1 of the Schedule to this order ("the Schedule") shall be respectively diverted (Path "A" to "B" to "C" shown on the attached map) and stopped up (Path "B" to "D" shown on the attached map) as provided below.
2. There shall be created to the reasonable satisfaction of the Authority an alternative highway for use as a replacement for the said footpath to be diverted as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion and stopping up of the footpaths shall have effect on the date on which the Authority certify that the terms of Article 2 have been complied with.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule. The replacement footpath shall be constructed to a standard set out in the Highways Agency Specification 803 Series for unbound porous surfaces so as to provide a surface that is convenient for users on foot.
5. Hallenbeagle Estates Limited of 1, Riverside House, Heron Way, Truro is hereby required to pay for the cost of carrying out the said works.
6. Where immediately before the date on which the footpaths are diverted and stopped up there is apparatus belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

GIVEN under the Common Seal of the Council this 1st day of May 2013

THE COMMON SEAL OF THE)
CORNWALL COUNCIL)
Was herunto affixed in the)
presence of:-)
Authorised signatory)

100
[Redacted]
Karen Jackson
Social Care, Housing and
Litigation Group Manager
Legal Services
Cornwall Council

007888
I Certify that this is a proper copy
of the Order as it was:

**CONFIRMED BY CORNWALL
COUNCIL.**

Signed: [Redacted]

Date: 6th June 2013

SCHEDULE

PART 1

DESCRIPTION OF SITES OF EXISTING PATHS OR WAYS

(i) A length of the footpath section of Public Right of Way number 57 Chacewater commencing from a point where it has a junction with that part of the footpath section of public right of way number 57 Chacewater to be retained immediately ~~north of the northern boundary of the operational land of the railway undertaker "Network Rail" 100 metres north of "Hallenbeagle Cottages" at Ordnance Survey Grid Reference (OSGR) SW 7255/4457 shown as point "A" on the attached map~~ thence running in a generally north-north-westerly direction for 36 metres to a point where it has a junction with another part of the footpath section of right of way number 57 Chacewater to be stopped up by this order 38 metres north-north-west of the northern boundary of the operational land of the railway undertaker "Network Rail" at OSGR SW 7254/4460 shown as point "B" on the attached map thence running in a generally westerly, south-westerly and west-south-westerly direction for 217 metres to a point where it terminates in a cul-de-sac at the margin of land that forms the curtilage of the A30 Trunk Road 119 metres north-east of the "Plume of Feathers" Public House at OSGR SW 7236/4451 shown as point "C" on the attached map.

The Definitive Statement records an average width of 12 (twelve) feet for Right of Way number 57 Chacewater. For the avoidance of doubt it is intended to stop up the highway shown on the Definitive Map as a footpath and described above in its entirety.

(ii) A length of the footpath section of Public Right of Way number 57 Chacewater commencing from a point where it has a junction with another part of the footpath section of public right of way number 57 Chacewater to be diverted by this order 38 metres north-north-west of the northern boundary of the operational land of the railway undertaker "Network Rail" at OSGR SW 7254/4460 shown as point "B" on the attached map thence running in a generally north-north-westerly direction for 118 metres to a point where it terminates in a cul-de-sac at the margin of the land that forms the curtilage of the A30 Trunk Road 135 metres north-north-west of "Read's Shaft" at OSGR SW 7252/4471 shown as point "D" on the attached map.

The Definitive Statement records an average width of 12 (twelve) feet for Right of Way number 57 Chacewater. For the avoidance of doubt it is intended to stop up the highway shown on the Definitive Map as a footpath and described above in its entirety.

116 metres north of "Hallenbeagle Cottages" at Ordnance Survey Grid Reference (OSGR) 7255/4458 shown as point "G" on the attached map then running in a generally northerly direction for 20 metres

PART 2

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

~~A length of Public Footpath in the Parish of Chacewater commencing from a point where it has a junction with that part of the footpath section of public right of way number 57 Chacewater to be retained immediately north of the northern boundary of the operational land of the railway undertaker "Network Rail" 100 metres north of "Hallenbeagle Cottages" at OSGR SW 7255/4457 shown as point "A" on the attached map thence running in a generally south-south-westerly direction for 365 metres to a point where it has a junction with that part of Public Footpath number 12 St Day to be retained at the parish boundary 54 metres north-east of the Scorrier Methodist Church at OSGR SW 7236/4426 shown as point "E" on the attached map.~~

The new footpath described above shall be 1.80 metres wide throughout.

116 metres north of "Hallenbeagle Cottages" at (OSGR) 7255/4458 shown as point "G" on the attached map then continuing in a generally westerly then northerly then westerly then south-westerly then westerly then south-westerly then south-easterly then south-westerly direction for a distance of 457 metres to a point where it has a junction with that part of Public Footpath No.12 St Day to be retained at the Chacewater - St Day Parish Boundary 342 metres south-west of Hallenbeagle Cottages' at SW 7227/4433 shown as point "F" on the attached map.

MAP NOT TO ORIGINAL SCALE

Town & Country Planning Act 1990 Section 257
Order Plan: Re File TAD 034

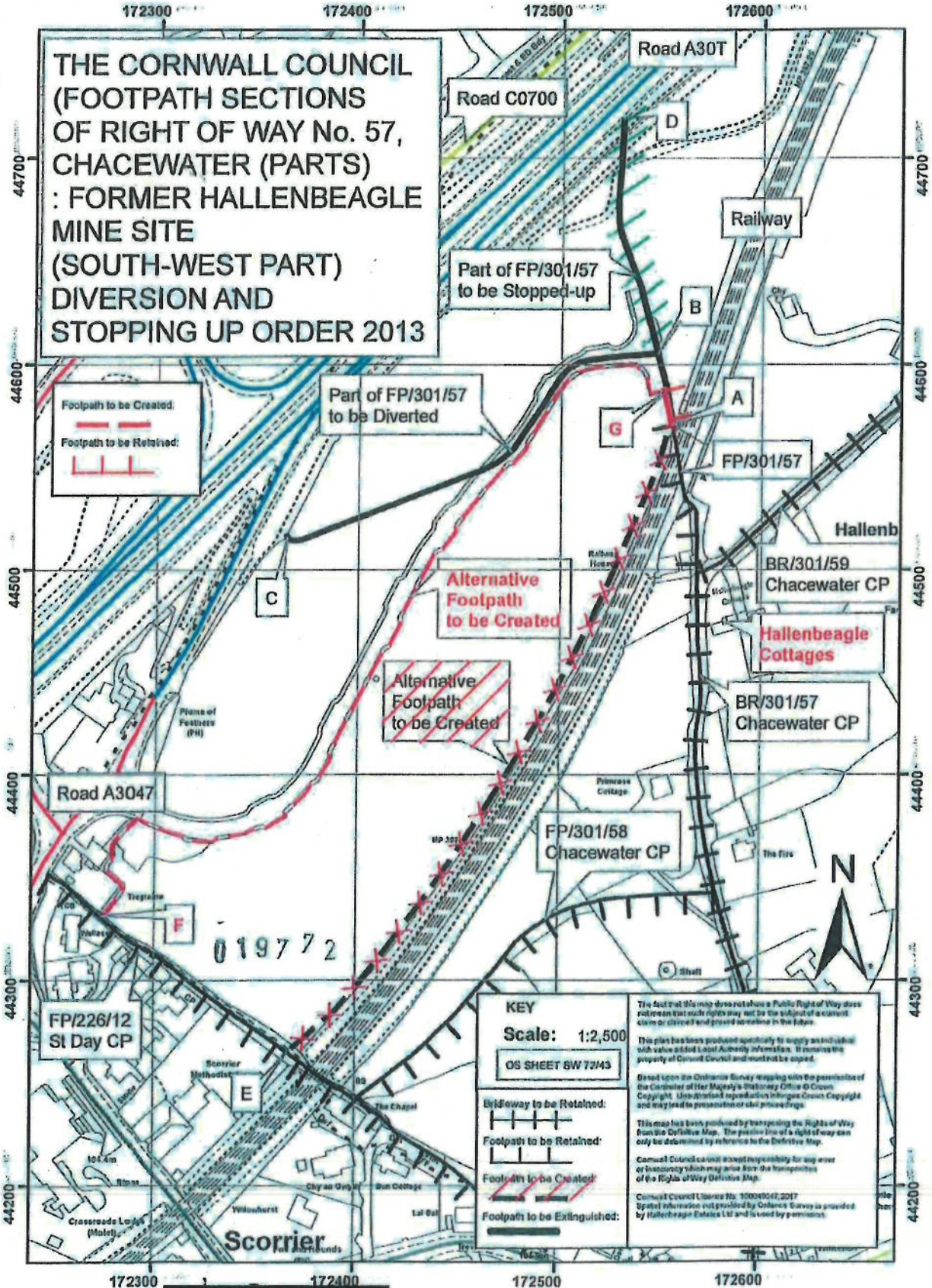
Parish: CHACEWATER CP Path Number: RoW/301/57

Produced by Countyside Access Team: 05 February 2013

Variations to Order Map
shown in red August 2017



**THE CORNWALL COUNCIL
(FOOTPATH SECTIONS
OF RIGHT OF WAY No. 57,
CHACEWATER (PARTS)
: FORMER HALLENBEAGLE
MINE SITE
(SOUTH-WEST PART)
DIVERSION AND
STOPPING UP ORDER 2013**



Footpath to be Created:

Footpath to be Retained:

Part of FP/301/57
to be Diverted

Part of FP/301/57
to be Stopped-up

Alternative
Footpath
to be Created

Alternative
Footpath
to be Created

FP/226/12
St Day CP

KEY
Scale: 1:2,500
OS SHEET SW 7243

Byway to be Retained:
Footpath to be Retained:
Footpath to be Created:
Footpath to be Extinguished:

The fact that this map does not show a Public Right of Way does not mean that such a right of way will be the subject of a consent claim or claimed and proved otherwise in the future.

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.

Drawn upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Use of third party reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This map has been produced by transferring the Rights of Way from the Definitive Map. The positive line of a right of way can only be determined by reference to the Definitive Map.

Cornwall Council cannot accept responsibility for any error or inaccuracy which may arise from the transcription of the Rights of Way Definitive Map.

Cornwall Council Licence No. 100009047.2017
Updated information not provided by Ordnance Survey is provided by Hallenbeagle Estates Ltd and is used by permission.



019772

Scorrier

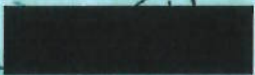
**THIS PAGE IS INSERTED FOR DISPLAY PURPOSES
TO ENSURE THAT THE BACK PAGE OF THE
ENGROSSED ORDER IS SHOWN AS THE BACK PAGE
OF THIS COPY**

PUBLIC PATH DIVERSION AND STOPPING UP ORDER

**This Order was
confirmed on
5th June 2013
as an unopposed Order**

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 257**

**THE CORNWALL COUNCIL
(FOOTPATH SECTIONS OF RIGHT OF WAY No. 57,
CHACEWATER (PARTS):
FORMER HALLENBEAGLE MINE SITE
(SOUTH-WEST PART)
DIVERSION AND STOPPING UP ORDER 2013**



ORDER VARYING A PUBLIC PATH ORDER

CORNWALL COUNCIL

**TOWN AND COUNTRY PLANNING ACT
1990 SECTIONS 257 AND 333(7)**

**'THE CORNWALL COUNCIL FOOTPATH
SECTIONS OF RIGHT OF WAY No. 57,
CHACEWATER (PARTS):
FORMER HALLENBEAGLE MINE SITE
(SOUTH-WEST PART)
VARYING ORDER 2017'**

MADE BY CORNWALL COUNCIL ON:

26th October 2017

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

**MADE BY CORNWALL
COUNCIL**

Signed: 

Date: *26 October 2017*