

NOTICE OF ORDER

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

Cornwall Council

(Footpath No.1 Carlyon (Part) and an unrecorded Public Footpath);
(Overflow car park at Beach Road, Carlyon Bay); Stopping Up
and Diversion Order 2015

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 **24 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 a length of Public Footpath number 1 in the Parish of Carlyon commencing from a point where it has a junction with those parts of Footpaths number 1 Carlyon and 3 Carlyon to be retained approximately 125 metres north-north-west of the building known as 'The Beach Sale Site' at Ordnance Survey Grid Reference (OSGR) SX 0547/5221 then running in a generally south-westerly direction for a distance of 121 metres to a point where it has a junction with that part of Public Footpath number 1 Carlyon to be retained approximately 113 metres west-north-west of the building known as 'The Beach Sale Site' at OSGR SX 0539/5212 and stop up a part of an unrecorded Public Footpath in the Parish of Carlyon commencing from a point where it has a junction with that part of Public Footpath number 3 Carlyon to be retained approximately 122 metres north of the building known as 'The Beach Sale Site' at Ordnance Survey Grid Reference (OSGR) SX 0548/5221) then running in a generally south-westerly direction for a distance of 129 metres to a point where it has a junction with that part of the said unrecorded Public Footpath to be retained approximately 102 metres west-north-west of the building known as 'The Beach Sale Site' at OSGR SX 0540/5212 to a point where it joins that part of Public Footpath in the Parish of Carlyon commencing from a point where it has a junction with those parts of Footpaths number 3 Carlyon and number 4 Carlyon to be retained

approximately 123 metres north of the building known as 'The Beach Sale Site' at Ordnance Survey Grid Reference (OSGR) SX 0549/5221 then running in a generally south-westerly direction for a distance of approximately 141 metres to a point where it has a junction with that part of the said unrecorded Public Footpath in the Parish of Carlyon to be retained approximately 102 metres west-north-west of the building known as 'The Beach Sale Site' at OSGR SX 0540/ then in a generally north-westerly direction for a distance of 12 metres to a point where it has a junction with that part of public footpath number 1 Carlyon to be retained approximately 113 metres west-north-west of the building known as 'The Beach Sale Site' at OSGR SX 0539/5212.

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/3173335 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, Pydar House, Pydar Street, Truro, Cornwall, TR1 1XU. During normal office hours Monday to Friday (excepting Public and Bank Holidays). Telephone – 0300 1234 202.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date by 07 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 19 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 30 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 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.

PUBLIC PATH STOPPING UP AND DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

THE CORNWALL COUNCIL (FOOTPATH No. 1, CARLYON (PART)
AND AN UNRECORDED PUBLIC FOOTPATH)
(OVERFLOW CAR PARK AT BEACH ROAD, CARLYON BAY)
STOPPING UP AND DIVERSION ORDER 2015

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 respectively divert and stop up 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 the re-surfacing of cliff top car park (off Beach Road), together with demarcation of parking spaces, new cycle parking provisions, associated landscaping, new surface water drainage system on land at Carlyon Bay Car Park, off Beach Road, Carlyon Bay, Cornwall. [Planning Reference PA 10/07544]

BY THIS ORDER

1. The Footpaths over the land shown by solid 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") and stopped up (Path "C" to "D") as shown on the map attached to this Order 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 Footpaths as provided in Part 2 of the Schedule and shown by bold black dashes (Path "E" to "D" to "B") on the attached map and described in Part 2 of the Schedule to this Order.
3. The respective 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. The material comprising the path sub-base and surface shall be contained by suitable edge-boards of treated timber.
5. GMW Nine Ltd. C/o Commercial Estates Group, Sloane Square House, 1 Holbein Place, London SW1W 8NS are hereby required to pay for the cost of carrying out the said works. (For the avoidance of doubt GMW Nine Ltd are the Applicants registered by the Local Planning Authority against Planning Applications PA 10/07544, PA 12/10196 and PA 14/05234.)
6. Where immediately before the date on which the Footpath is created 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.
7. This Order may be cited as, "The Cornwall Council (Footpath No.1, Carlyon (Part) and an Unrecorded Public Footpath) (Overflow Car Park at Beach Road, Carlyon Bay) Stopping Up and Diversion Order 2015".

GIVEN under the Common Seal of the Council this 5th day of October 2015

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

William Mearns Pearce
Authorised signatory

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

MADE BY CORNWALL
COUNCIL

Signed: 

Date: 30.10.15

014198

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

- i) That part of Public Footpath number 1 in the Parish of Carlyon commencing from a point where it has a junction with those parts of Footpaths number 1 Carlyon and 3 Carlyon to be retained approximately 125 metres north-north-west of the building known as "The Beach Sale Site" at Ordnance Survey Grid Reference (OSGR) SX 0547/5221 shown as point "A" on the attached map thence running in a generally south-westerly direction for a distance of 121 metres to a point where it has a junction with that part of Public Footpath number 1 Carlyon to be retained approximately 113 metres west-north-west of the building known as "The Beach Sale Site" at OSGR SX 0539/5212 shown as point "B" on the attached map.

Footpath number 1 Carlyon is recorded in the Definitive Statement for the area (Relevant Date 15 September 2006) as Footpath number 36 in the former St Austell Unparished Area. The whole path is recorded with an average width of 3' 0" (three feet) and a part of the Footpath not affected by this Order is recorded as having a minimum width of 2.0 (two) metres. For the avoidance of doubt the intention of the Order is to stop up the highway described above in its entirety.

- ii) That part of an unrecorded Public Footpath in the Parish of Carlyon commencing from a point where it has a junction with that part of Public Footpath number 3 Carlyon to be retained approximately 122 metres north of the building known as "The Beach Sale Site" at Ordnance Survey Grid Reference (OSGR) SX 0548/5221 shown as point "C" on the attached map thence running in a generally south-westerly direction for a distance of 129 metres to a point where it has a junction with that part of the said unrecorded Public Footpath to be retained approximately 102 metres west-north-west of the building known as "The Beach Sale Site" at OSGR SX 0540/5212 shown as point "D" on the attached map.

The Definitive Statement for the area (relevant date 15 September 2006) contains no entry for the said unrecorded Public Footpath in the Parish of Carlyon. 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 ALTERNATIVE HIGHWAY

- iii) A length of Public Footpath in the Parish of Carlyon commencing from a point where it has a junction with those parts of Footpaths number 3 Carlyon and number 4 Carlyon to be retained approximately 123 metres north of the building known as "The Beach Sale Site" at Ordnance Survey Grid Reference (OSGR) SX 0549/5221 shown as point "E" on the attached map thence running in a generally south-westerly direction for a distance of approximately 141 metres to a point where it has a junction with that part of the said unrecorded Public Footpath in the Parish of Carlyon to be retained approximately 102 metres west-north-west of the building known as "The Beach Sale Site" at OSGR SX 0540/5212 shown as point "D" on the attached map thence running in a generally north-westerly direction for a distance of 12 metres to a point where it has a junction with that part of Public footpath number 1 Carlyon to be retained approximately 113 metres west-north-west of the building known as "The Beach Sale Site" at OSGR SX 0539/5212 shown as point "B" on the attached map.

The length of Public Footpath described above shall be 2.0 (two) metres in width throughout.

Town and Country Planning Act 1990 Section 257
 Order Plan: Re File TAD 047

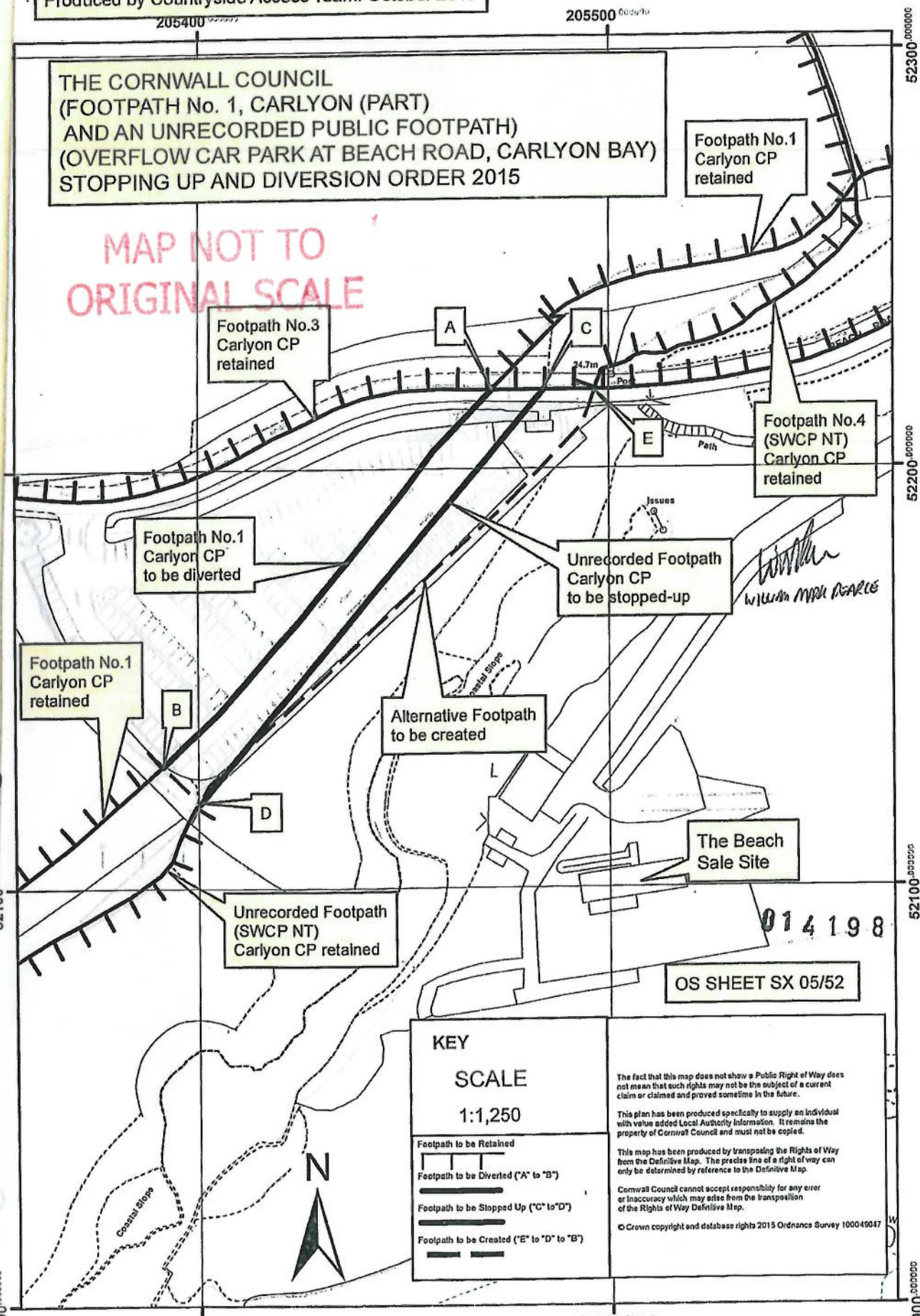
Parish: CARLYON CP
 Path Number: FP/426/1 & FP/426/UR

Produced by Countryside Access Team: October 2015



THE CORNWALL COUNCIL
 (FOOTPATH No. 1, CARLYON (PART)
 AND AN UNRECORDED PUBLIC FOOTPATH)
 (OVERFLOW CAR PARK AT BEACH ROAD, CARLYON BAY)
 STOPPING UP AND DIVERSION ORDER 2015

MAP NOT TO
 ORIGINAL SCALE



Footpath No.1
 Carlyon CP
 retained

Footpath No.3
 Carlyon CP
 retained

Footpath No.1
 Carlyon CP
 retained

Footpath No.4
 (SWCP NT)
 Carlyon CP
 retained

Footpath No.1
 Carlyon CP
 to be diverted

Unrecorded Footpath
 Carlyon CP
 to be stopped-up

Alternative Footpath
 to be created

The Beach
 Sale Site

Unrecorded Footpath
 (SWCP NT)
 Carlyon CP retained

014198

OS SHEET SX 05/52

KEY
 SCALE
 1:1,250

- Footpath to be Retained
- Footpath to be Diverted ("A" to "B")
- Footpath to be Stopped Up ("C" to "D")
- Footpath to be Created ("E" to "D" to "B")

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.

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.

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.

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

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SECTION 257**

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AND AN UNRECORDED PUBLIC FOOTPATH)
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STOPPING UP AND DIVERSION ORDER 2015**

MADE BY CORNWALL COUNCIL ON:

05 OCT 2015

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

**MADE BY CORNWALL
COUNCIL**

Signed:



Date:

13 Oct 15