

NOTICE OF ORDER

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 257

Cornwall Council
(Footpath No. 2, Falmouth (Part) and Footpath No. 26, Budock (Part)); Bickland
Industrial Park Extension Diversion Order 2014

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 **4 October 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 contiguous public footpath consisting of:
The detached western part of Public Footpath 2 Falmouth commencing from a point where it joins the western margin of road C 0087 "Bickland Water Road" approximately 25 metres west-north-west of the property "Port Gavern" at Ordnance Survey Grid Reference (OSGR) SW 7881/3259 then running in a generally south-westerly direction for 47 metres to a point where it joins Public Footpath 26 Budock at the parish boundary approximately 64 metres west-south-west of "Port Gavern" at OSGR SW 7878/3256 and that length of Public Footpath 26 Budock commencing from a point where it joins Public Footpath 2 Falmouth at the parish boundary approximately 64 metres west-south-west of "Port Gavern" at OSGR SW 7878/3256 then running in a generally south-westerly direction for 80 metres to a point where it joins that part of Public Footpath 26 Budock to be retained approximately 143 metres south-west of "Port Gavern" at OSGR SW 7872/3251 to a contiguous line that consists of:

A length of Public Footpath in the Parish of Falmouth commencing from a point where it joins the western margin of road C 0087 "Bickland Water Road" approximately 27 metres west-north-west of "Port Gavern" at OSGR SW 7881/3260 then running in a generally south-westerly, south-south-easterly and south-westerly direction for 57 metres to a point where it joins at the parish boundary a length of public footpath to be created by this order in the Parish of Budock approximately 65 metres south-west of "Port Gavern" at OSGR SW 7878/3256 and a length of Public Footpath in the Parish of Budock commencing from a point where it joins at the parish boundary a length of public footpath to be created by this order in the Parish of Falmouth approximately 65 metres south-west of "Port Gavern" at OSGR SW 7878/3256 thence running in a generally south-westerly direction for 79 metres to a point where it joins that part of Public Footpath 26 Budock to be retained approximately 143 metres south-west of "Port Gavern" at OSGR SW 7872/3251.

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/3181700 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 (excepting Public and Bank Holidays). 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 18 October 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 29 November 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 10 January 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.

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

**THE CORNWALL COUNCIL (FOOTPATH No. 2, FALMOUTH (PART) AND
FOOTPATH No. 26, BUDOCK (PART))
BICKLAND INDUSTRIAL PARK EXTENSION DIVERSION ORDER 2014**

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 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 an industrial building (B2 Use), Vehicle Parking and 12 hybrid office/industrial units (B1 Use) together with estate roads, landscaping and public footpaths on land adjacent to Bickland Industrial Park, Bickland Water Road. Planning Reference PA 11/09595.

BY THIS ORDER

1. The footpath over the land shown by a solid bold black line on the attached map and described in Part 1 of the Schedule to this order ("the Schedule") shall be diverted 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 as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpath 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 highway shall be constructed to Cornwall Council's standards for adoptable estate roads and footpaths.
5. Midas Commercial Developments Ltd of Midas Houses, Pynes Hill, Exeter EX2 5WS is hereby required to pay for the cost of carrying out the said works.
6. Where immediately before the date on which the footpath is diverted 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. 2, Falmouth (Part) and Footpath No. 26, Budock (Part)) Bickland Industrial Park Extension Diversion Order 2014".

GIVEN under the Common Seal of the Council this 16th day of April 2014

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

Catherine Linehan
Authorised signatory

Catherine Linehan
Principal Legal Officer
Legal Services
CORNWALL COUNCIL

010174

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

**MADE BY CORNWALL
COUNCIL**

Signed: *M J Gibson*

Date: 17 APRIL 2014

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

i) The entire length of the detached western section of Public Footpath Number 2 Falmouth commencing from a point where it has a junction with the western margin of publicly maintained road C 0087 "Bickland Water Road" approximately 25 metres west-north-west of the property "Port Gavern" at Ordnance Survey Grid Reference (OSGR) SW 7881/3259 shown as Point "A" on the attached map thence running in a generally south-westerly direction for 47 metres to a point where it has a junction with Public Footpath Number 26 Budock at the parish boundary approximately 64 metres west-south-west of the property "Port Gavern" at OSGR SW 7878/3256 shown as Point "B" on the attached map.

The Definitive Statement records an average width of 2' 0" to 5' 0" (Two Feet to Five Feet) for Public Footpath Number 2 Falmouth. For the avoidance of doubt the intention of the order is to stop up the highway described above in its entirety.

ii) That length of Public Footpath Number 26 Budock commencing from a point where it has a junction with Public Footpath Number 2 Falmouth at the parish boundary approximately 64 metres west-south-west of the property "Port Gavern" at OSGR SW 7878/3256 shown as Point "B" on the attached map thence running in a generally south-westerly direction for 80 metres to a point where it has a junction with that part of Public Footpath Number 26 Budock to be retained approximately 143 metres south-west of the property "Port Gavern" at OSGR SW 7872/3251 shown as Point "C" on the attached map.

The Definitive Statement records no information with regard to the width of Public Footpath Number 26 Budock. 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

i) A length of Public Footpath in the Parish of Falmouth commencing from a point where it has a junction with the western margin of publicly maintained road C 0087 "Bickland Water Road" approximately 27 metres west-north-west of the property "Port Gavern" at Ordnance Survey Grid Reference (OSGR) SW 7881/3260 shown as Point "D" on the attached map thence running in a generally south-westerly, south-south-easterly and south-westerly direction for 57 metres to a point where it has a junction at the parish boundary with a length of public footpath to be created by this order in the Parish of Budock approximately 65 metres south-west of the property "Port Gavern" at OSGR SW 7878/3256 shown as Point "E" on the attached map.

The length of Public Footpath described above shall be 1.8 (one point eight) metres in width throughout.

ii) A length of Public Footpath in the Parish of Budock commencing from a point where it has a junction at the parish boundary with a length of public footpath to be created by this order in the Parish of Falmouth approximately 65 metres south-west of the property "Port Gavern" at OSGR SW 7878/3256 shown as Point "E" on the attached map thence running in a generally south-westerly direction for 79 metres to a point where it has a junction with that part of Public Footpath Number 26 Budock to be retained approximately 143 metres south-west of the property "Port Gavern" at OSGR SW 7872/3251 shown as Point "C" on the attached map.

The length of Public Footpath described above shall be 1.8 (one point eight) metres in width throughout.

17870

32600

32500

17870

**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**

Town & Country Planning Act 1990 Section 257
Order Plan: Re File TAD 041

Parish: Falmouth Town and Budock CP Path Numbers: FP/304/2 and FP/202/26

Produced by Countryside AccessTeam: 25 March 2014



1310174 *Cam*

THE CORNWALL COUNCIL (FOOTPATH
No.2, FALMOUTH (PART) AND
FOOTPATH No. 26, BUDOCK (PART))
BICKLAND INDUSTRIAL PARK EXTENSION
DIVERSION ORDER 2014

MAP NOT TO
ORIGINAL SCALE

Retained
part of
FP/304/2

Part of
FP/304/2
to be
Stopped Up

Parish Boundary

Part of FP/202/26 to be
Stopped Up

BUDOCK CP

Revised Footpath
in Falmouth

Road C 0087
Indicative Centreline

FALMOUTH CP

Revised Footpath
in Budock

Retained part of FP/202/26

OS SHEET SW 78/32

KEY
Scale: 1:1,000

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 rights may not be the subject of a current claim or claimed and proved sometime in the future.

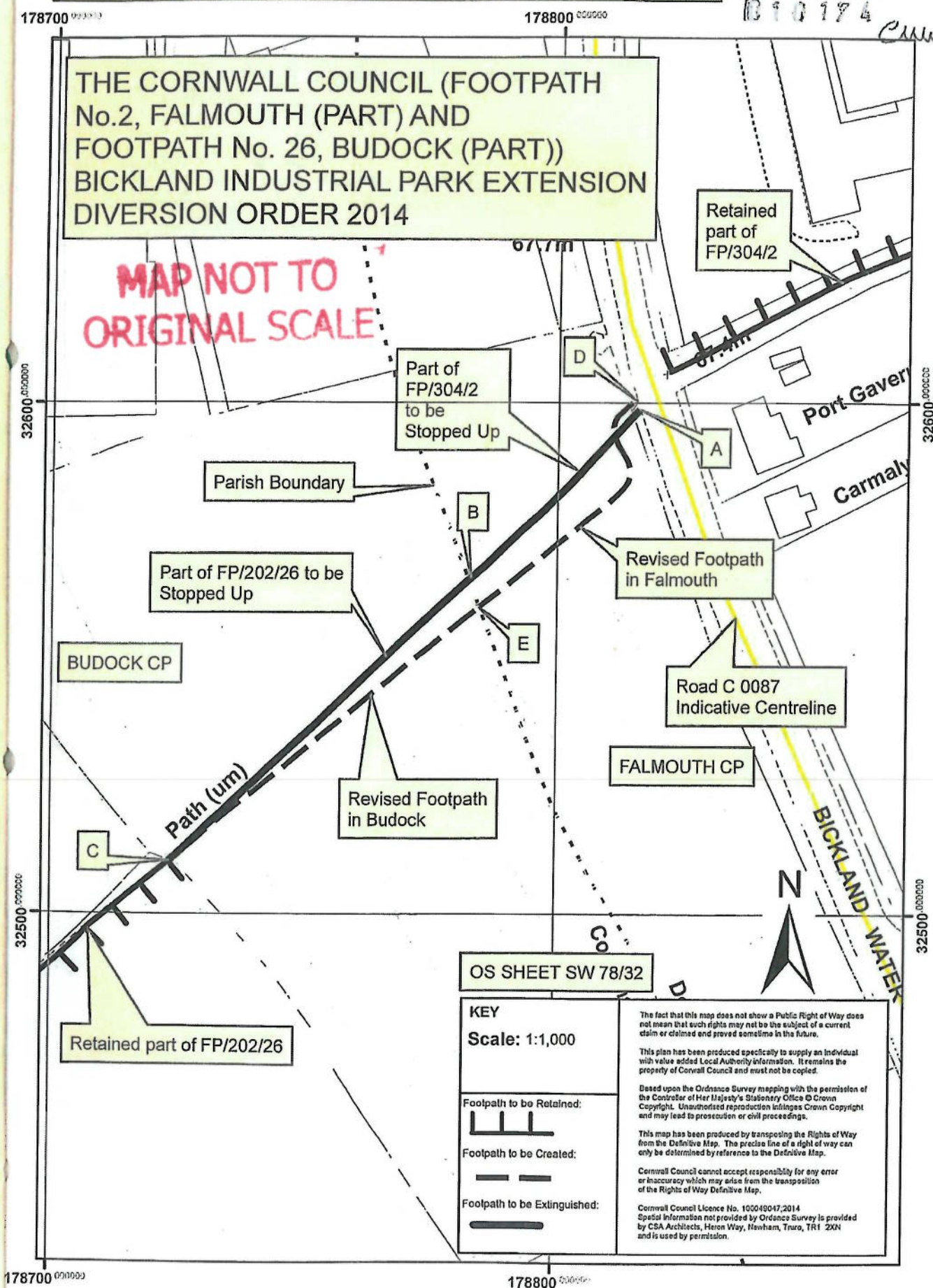
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This map has been produced by transposing the Rights of Way from the Definitive Map. The precise line of a right of way can only be determined by reference to the Definitive Map.

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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