

NOTICE OF ORDER

HIGHWAYS ACT 1980 SECTION 119

Cornwall Council

(Parts of Footpath Nos. 1 & 18, Ladock) (Trewince, Grampound Road)
Public Path Diversion 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 **20 March 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 divert a length of Public Footpath number 1 in the Parish of Ladock commencing from a point where it has a junction with Public Byway number 1 Ladock approximately 64 metres east of "Trewince Barn" at Ordnance Survey Grid Reference (OSGR) SW 9109/5035 shown as Point "A" on the Order map thence running in a generally westerly, then west-north-westerly direction for a distance of 142 metres to a point where it has a junction with that part of Footpath number 1 Ladock to be retained approximately 90 metres north-west of "Trewince Barn" at OSGR SW 9095/5038 shown as Point "B" on the Order map to a length of Public Footpath in the Parish of Ladock commencing from a point where it has a junction with that part of Footpath number 18 to be retained approximately 39 metres east of "Trewince Barn" at OSGR SW 9106/5034 shown as Point "C" on the Order map thence running in a generally west-north-westerly, then north-north-westerly, then westerly direction for a distance of 130 metres to a point where it has a junction with that part of Footpath number 1 Ladock to be retained approximately 90 metres north-west of "Trewince Barn" at OSGR SW 9095/5038 shown as Point "B" on the Order map and; a length of Public Footpath number 18 in the Parish of Ladock commencing from a point where it has a junction with that part of Footpath number 18 to be retained approximately 39 metres east of "Trewince Barn" at OSGR SW 9106/5034 shown as Point "C" on the Order map thence running in a generally west-south-westerly, then southerly, then south-westerly direction for a distance of 273 metres to a point where it has a junction with Footpath number 10 Probus at the parish boundary approximately 237 metres south-west of "Trewince Farm" at OSGR SW 9089/5015 shown as Point "D" on the Order map to a length of Public Footpath in the Parish of Ladock commencing from a point where it has a junction with the length of Public Footpath to be created above approximately 71 metres north-west of "Trewince Barn" at OSGR SW 9097/5038 shown as Point "F" on the Order map thence running in a generally south-westerly, then southerly, then south-south-easterly direction for a distance of 301 metres to a point where it has a junction with Footpath number 10 Probus at the parish boundary approximately 237 metres south-west of "Trewince Farm" at OSGR SW 9089/5015 shown as Point "D" on the Order map.

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/3190330 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment during normal office hours (excepting Public and Bank Holidays) at the offices of Cornwall Council at the following locations: St Austell One Stop Shop, 39 Penwinnick Road, St Austell, Cornwall, PL25 5DR and The Reception at Pydar House, Pydar Street, Truro, Cornwall, TR1 1XU. 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 3 April 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 15 May 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 26 June 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

HIGHWAYS ACT 1980

CORNWALL COUNCIL

**THE CORNWALL COUNCIL ((PARTS OF FOOTPATH NOS. 1 & 18, LADOCK)
(TREWINCE, GRAMPOUND ROAD))
PUBLIC PATH DIVERSION ORDER 2017**

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 footpaths described in paragraph 1 of this Order it is expedient that the line of the paths should be diverted;

Mr H. Hoskin and Ms C. Hoskin 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 Public Footpath into a fit condition for use by the public.

BY THIS ORDER:

1. The public rights of way over the land situate at "Trewince" in the Parish of Ladock 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 at "Trewince" in the Parish of Ladock 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 ((Parts of Footpath Nos. 1 & 18, Ladock) (Trewince, Grampond Road)) Public Path Diversion Order 2017".

GIVEN under the Common Seal of the Council this 20th day of February 2017

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

C. M. L. L.

Authorised signatory



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

MADE BY CORNWALL COUNCIL

Signed: *P. McCreath*

Date: 20th February 2017

0 175 27

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

(i) A length of Public Footpath number 1 in the Parish of Ladock commencing from a point where it has a junction with Public Byway number 1 Ladock approximately 64 metres east of "Trewince Barn" at Ordnance Survey Grid Reference (OSGR) SW 9109/5035 shown as Point "A" on the attached map thence running in a generally westerly, then west-north-westerly direction for a distance of 142 metres to a point where it has a junction with that part of Footpath number 1 Ladock to be retained approximately 90 metres north-west of "Trewince Barn" at OSGR SW 9095/5038 shown as Point "B" on the attached map.

The Definitive Statement records an average width of 3' 0" (three feet) for Footpath number 1 Ladock. For the avoidance of doubt it is intended to stop up the highway described above in its entirety.

(ii) A length of Public Footpath number 18 in the Parish of Ladock commencing from a point where it has a junction with that part of Footpath number 18 to be retained approximately 39 metres east of "Trewince Barn" at OSGR SW 9106/5034 shown as Point "C" on the attached map thence running in a generally west-south-westerly, then southerly, then south-westerly direction for a distance of 273 metres to a point where it has a junction with Footpath number 10 Probus at the parish boundary approximately 237 metres south-west of "Trewince Farm" at OSGR SW 9089/5015 shown as Point "D" on the attached map.

The Definitive Statement records no information regarding the width for Footpath number 18 Ladock. For the avoidance of doubt it is intended to stop up the highway described above in its entirety.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

(i) A length of Public Footpath in the Parish of Ladock commencing from a point where it has a junction with that part of Footpath number 18 to be retained approximately 39 metres east of "Trewince Barn" at OSGR SW 9106/5034 shown as Point "C" on the attached map thence running in a generally west-north-westerly, then north-north-westerly, then westerly direction for a distance of 130 metres to a point where it has a junction with that part of Footpath number 1 Ladock to be retained approximately 90 metres north-west of "Trewince Barn" at OSGR SW 9095/5038 shown as Point "B" on the attached map.

(ii) A length of Public Footpath in the Parish of Ladock commencing from a point where it has a junction with the length of Public Footpath to be created above in (i) approximately 71 metres north-west of "Trewince Barn" at OSGR SW 9097/5038 shown as Point "F" on the attached map thence running in a generally south-westerly, then southerly, then south-south-easterly direction for a distance of 301 metres to a point where it has a junction with Footpath number 10 Probus at the parish boundary approximately 237 metres south-west of "Trewince Farm" at OSGR SW 9089/5015 shown as Point "D" on the attached map.

The Public Footpaths described above shall have a width of 2.0 metres throughout.

SCHEDULE
PART 3
LIMITATIONS AND CONDITIONS

Schedule Part 3 (i)	
Limitation Type	Field 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 9104/5037 Point "E" on Order Map
Variation of Limitation	None
Design Details	Gate to be of wood or metal construction
Maintenance Responsibility	To be maintained by landowner

Schedule Part 3 (ii)	
Limitation Type	Pedestrian 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 9085/5031 Point "G" on Order Map
Variation of Limitation	None
Design Details	Gate to be of wood or metal construction
Maintenance Responsibility	To be maintained by landowner

Schedule Part 3 (iii)	
Limitation Type	Pedestrian 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 9085/5030 Point "H" on Order Map
Variation of Limitation	None
Design Details	Gate to be of wood or metal construction
Maintenance Responsibility	To be maintained by landowner

End of Part 3

Highways Act 1980 S119 Order Plan Re Case HAD 220

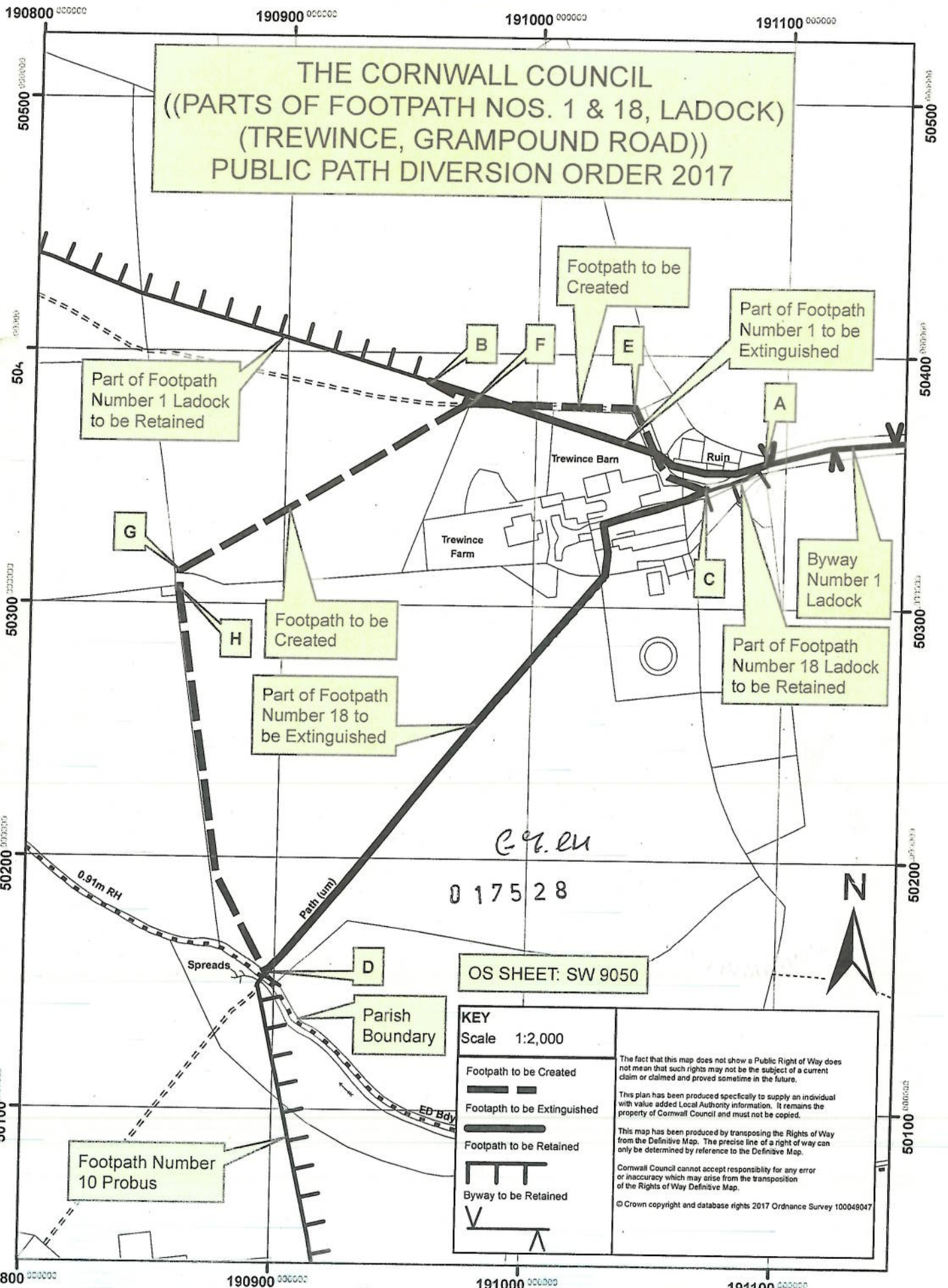
Parish: Ladock CP Path Number: FPs/310/1 & 18

Produced by Countryside Access Team: February 2017

MAP NOT TO ORIGINAL SCALE



THE CORNWALL COUNCIL
((PARTS OF FOOTPATH NOS. 1 & 18, LADOCK)
(TREWINCE, GRAMPOUND ROAD))
PUBLIC PATH DIVERSION ORDER 2017



OS SHEET: SW 9050

KEY	
Scale	1:2,000
Footpath to be Created	
Footpath to be Extinguished	
Footpath to be Retained	
Byway to be Retained	

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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HIGHWAYS ACT 1980

**THE CORNWALL COUNCIL
((PARTS OF FOOTPATH NOS. 1 & 18,
LADOCK) (TREWINCE, GRAMPOUND
ROAD))**

**PUBLIC PATH DIVERSION ORDER
2017**

**MADE BY CORNWALL COUNCIL ON:
20TH FEBRUARY 2017**