

# NOTICE OF ORDER

## HIGHWAYS ACT 1980 SECTION 119

Cornwall Council

(Footpath No. 12 (part) in the Parish of Kea) Public Path Diversion Order  
2018

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 February 2019**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **New County Hall, Treyew Road, Truro, Cornwall, TR1 3AY** on **Tuesday 20 August 2019** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to Extinguish a length of Public Footpath No. 12 in the Parish of Kea commencing at the western end of Public Footpath No. 12 Kea to be retained approximately 50 metres south-east of the property "Treloggas Barn" at Ordnance Survey Grid Reference (OSGR) SW 8247/4100 shown as point "A" on the Order map then continuing in a generally north-westerly then westerly then west-south-westerly then westerly direction for a distance of approximately 167 metres and terminating a length of Public Footpath No. 12 Kea to be retained approximately 110 metres west-south-west of the property "Treloggas Barn" at OSGR SW 8232/4099 shown as point "B". A length of Public Footpath to be Created in the Parish of Kea commencing at the eastern end of Public Footpath No. 12 Kea to be retained approximately 110 metres west-south-west of the property "Treloggas Barn" at OSGR SW8232/4099 shown as point "B" then continuing in a generally south-easterly and then east-north-easterly direction for a distance of 47 metres to point "C" at OSGR SW8236/4099 then continuing in a generally north-easterly direction for a distance of 23 metres to point "D" at OSGR 8238/4100 then continuing in a generally south-easterly direction for a distance of 95 metres to point "E" at OSGR 8247/4096 where it has a junction with Unclassified County Road U6069 approximately 70 metres south of the property "Treloggas Barn".

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: [helen.sparks@pins.gsi.gov.uk](mailto:helen.sparks@pins.gsi.gov.uk)  
Please quote reference number ROW/3216716 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, The Reception at Pydar House, Pydar Street, Truro, Cornwall, TR1 1XU. To arrange a viewing of the documents, please contact Cornwall Information Centre on Telephone Number 0300 1234 100.

### **Timetable for sending in statements of case and proofs of evidence**

#### **Within 8 weeks of the start date by [by 17 April 2019]**

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 and the applicant and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 29 May 2019]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> 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 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 (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

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, the 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).

#### **4 weeks before the date of the inquiry [by 23 July 2019]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

documents – although none should be submitted with a proof of evidence);

ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and

iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State 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 inquiry

**PUBLIC PATH DIVERSION ORDER**

**HIGHWAYS ACT 1980 SECTION 119**

**CORNWALL COUNCIL**

**THE CORNWALL COUNCIL (FOOTPATH No. 12 (PART) IN THE PARISH OF KEA)  
PUBLIC PATH DIVERSION ORDER 2018**

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 Public Footpath described in paragraph 1 of this Order it is expedient that the line of the path should be diverted.

Mr B Mihell 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.

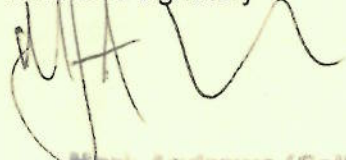
**BY THIS ORDER:**

1. The Public Footpath over the land situate at the property known as "Treloggas Barn" in the Parish of Kea shown by a continuous bold black line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up at the end of 14 days from the date of confirmation of this Order.
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 14 days from the date of confirmation of this Order be a Public Footpath over the land situate south and south-west of the property known as "Treloggas Barn" in the Parish of Kea described in Part 2 of the Schedule to this Order and shown by a broken bold black line on the map attached to this Order.
4. This Order may be cited as "The Cornwall Council (Footpath No. 12 (Part) in the Parish of Kea) Public Path Diversion Order 2018".

GIVEN under the Common Seal of the Council this *22<sup>nd</sup>* day of *February* 2018

EXECUTED as a Deed by affixing  
THE COMMON SEAL OF THE )  
CORNWALL COUNCIL )  
In the presence of:- )

Authorised signatory



Mark Andrews (Solicitor)  
Senior Legal Officer  
Legal Services  
CORNWALL COUNCIL



05 11 57

## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING PATH OR WAY

A length of Public Footpath No. 12 to be Extinguished in the Parish of Kea commencing at the western end of Public Footpath No. 12 Kea to be retained approximately 50 metres south-east of the property "Treloggas Barn" at Ordnance Survey Grid Reference (OSGR) SW 8247/4100 shown as point "A" on the attached map then continuing in a generally north-westerly then westerly then west-south-westerly then westerly direction for a distance of approximately 167 metres and terminating a length of Public Footpath No. 12 Kea to be retained approximately 110 metres west-south-west of the property "Treloggas Barn" at OSGR SW 8232/4099 shown as point "B" on the attached Order map.

The Definitive Statement records a width of 4 feet in respect of Public Footpath No. 12. For the avoidance of doubt the intention of the Order is to stop up the abovementioned length of Public Footpath in its entirety.

### PART 2

#### DESCRIPTION OF SITE OF NEW PATH OR WAY

A length of Public Footpath to be Created in the Parish of Kea commencing at the eastern end of Public Footpath No. 12 Kea to be retained approximately 110 metres west-south-west of the property "Treloggas Barn" at OSGR SW8232/4099 shown as point "B" on the attached map then continuing in a generally south-easterly and then east-north-easterly direction for a distance of 47 metres to point "C" at OSGR SW8236/4099 then continuing in a generally north-easterly direction for a distance of 23 metres to point "D" at OSGR 8238/4100 then continuing in a generally south-easterly direction for a distance of 95 metres to point "E" at OSGR 8247/4096 where it has a junction with Unclassified County Road U6069 approximately 70 metres south of the property "Treloggas Barn".

The Public Footpath described above shall have a width of 1 metre between points C and D and have a width of 2 metres between points B to C and D to E.



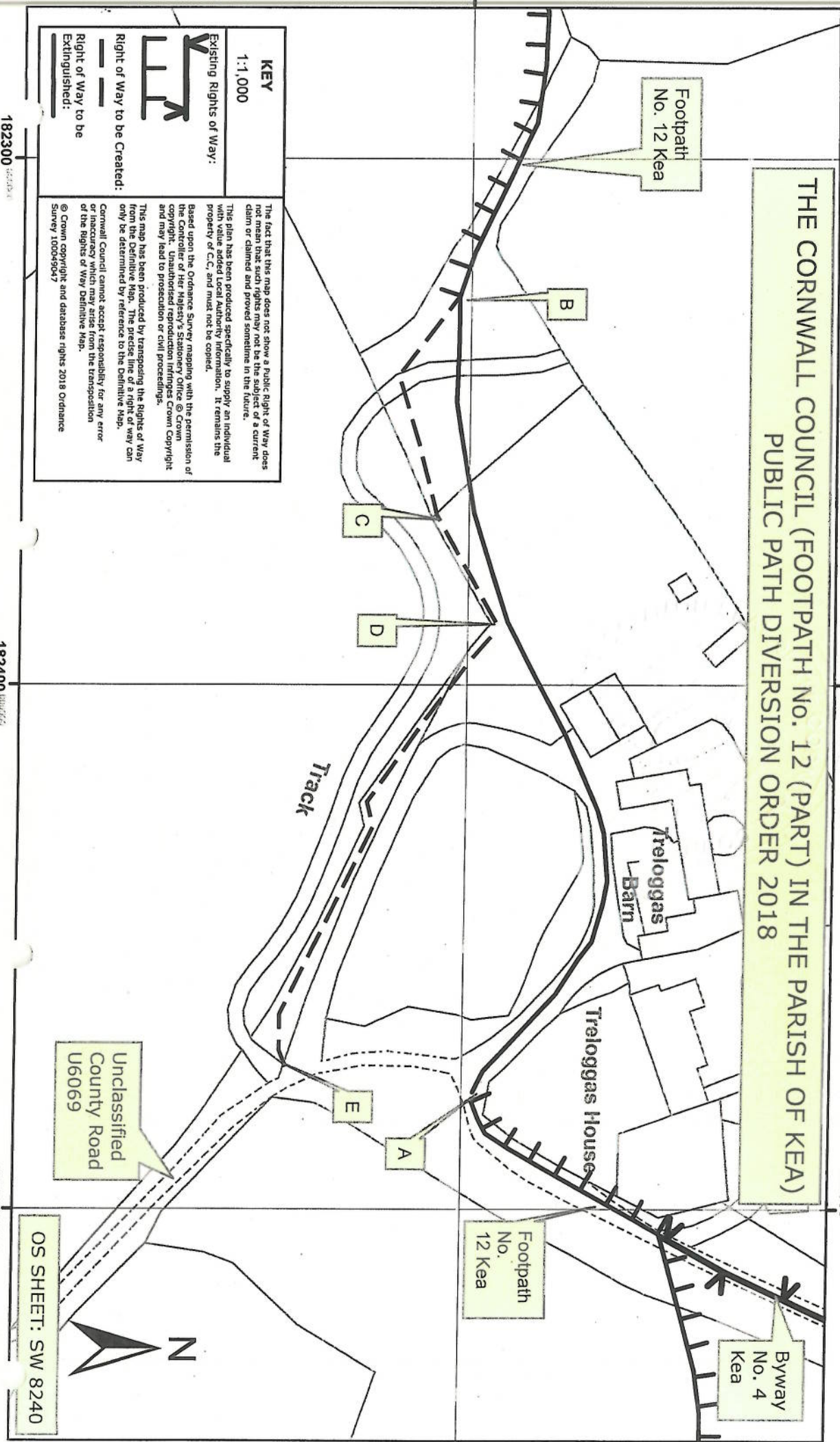
Highways Act 1980 Section 119 Order Plan: Re File HAD 243  
 Parish: Kea Civil Parish Path Number: FP/308/12  
 Produced by Countyside Access Team: February 2018

*[Handwritten Signature]*

**MAP NOT TO ORIGINAL SCALE**



**THE CORNWALL COUNCIL (FOOTPATH NO. 12 (PART) IN THE PARISH OF KEA) PUBLIC PATH DIVERSION ORDER 2018**



**KEY**  
 1:1,000

**Existing Rights of Way:**  
 [Symbol: Dashed line with arrows]  
**Right of Way to be Created:**  
 [Symbol: Solid line with arrows]  
**Right of Way to be Extinguished:**  
 [Symbol: Dashed line]

The fact that this map does not show a Public Right of Way does not mean that such a right may not be the subject of a current claim or claimed and proved elsewhere in the future. This plan has been produced specifically to supply an individual with value added Local Authority Information. It remains the property of C.C. and must not be copied.

Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright and may lead to prosecution or civil proceedings.

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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Unclassified County Road U6069

OS SHEET: SW 8240



41000

182300

182400

182500

**PUBLIC PATH DIVERSION ORDER**

**HIGHWAYS ACT 1980  
SECTION 119**

**THE CORNWALL COUNCIL  
(FOOTPATH No. 12 (PART) IN THE PARISH OF KEA)  
PUBLIC PATH DIVERSION ORDER 2018**

**MADE BY CORNWALL COUNCIL ON:**

*22<sup>nd</sup> February 2018*