

NOTICE OF ORDER

HIGHWAYS ACT 1980 – SECTION 119

Cornwall Council

Public Footpath No. 3 Colan (Trevithick Manor Farm) 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 **3 July 2019**.

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

The Inquiry will be held at **The Atlantic Hotel, 1 Dane Road, Newquay, Cornwall, TR7 1EN** on **Tuesday 26 November 2019** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to extinguish the entire length of Public Footpath number 3 in the Parish of Colan commencing from a point where it has a junction with the southern margin of County Road A392 approximately 20 metres west-north-west of the property the "King's Head" at Ordnance Survey Grid Reference (OSGR) SW 8271/6014 shown as point "A" on the attached map and continuing in a generally south-south-easterly then south-easterly direction for approximately 302 metres to a point where it has a junction with the western margin of County Road C0181 approximately 267 metres south-east of the "King's Head" at OSGR SW 8292/5994 shown as point "B" on the attached map and to create a length of Public Footpath in the Parish of Colan commencing from a point where it has a junction with the southern margin of County Road A392 approximately 20 metres west-north-west of the property the "King's Head" at OSGR SW 8271/6013 shown as point "C" on the attached map and continuing in a generally southerly then east-north-easterly then south-south-easterly then east-north-easterly then south-south-easterly then east-north-easterly direction for approximately 314 metres to a point where it has a junction with the western margin of County Road C0181 approximately 202 metres south-east of the "King's Head" at OSGR SW 8291/6004 shown as point "D" on the attached map.

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@planninginspectorate.gov.uk.

Please quote reference number ROW/3224376 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 Reception, 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 28 August 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 9 October 2019]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ 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 29 October 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:

¹ 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.

- 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 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 PUBLIC FOOTPATH No. 3 COLAN (TREVITHICK MANOR FARM) 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 owners of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

The applicant for the Order, Persimmon Homes (Cornwall), 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 situated at "Trevithick Manor Farm" in the Parish of Colan shown by a bold black 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 path 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 14 days from the date of confirmation of this order be a public footpath over the land situate south of area known as "Trevithick Manor Farm" in the Parish of Colan described in Part 2 of the Schedule to this order and shown by a bold black 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 Public Footpath No. 3 Colan (Trevithick Manor Farm) Public Path Diversion Order 2018".

GIVEN under the Common Seal of the Council this 20th day of November, 2018

EXECUTED as a Deed by affixing
THE COMMON SEAL OF THE
CORNWALL COUNCIL

In the presence of:-

Authorised signatory

K. Canning
K. CANNING
Senior Lawyer
Cornwall Legal Services
Cornwall Council



054500

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

MADE BY CORNWALL
COUNCIL

Signed:

Date:

D. M. Ball
21.11.18

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

- (i) The entire length of Public Footpath number 3 in the Parish of Colan commencing from a point where it has a junction with the southern margin of County Road A392 in the Parish of Colan approximately 20 metres west-north-west of the property the "King's Head" at Ordnance Survey Grid Reference (OSGR) SW 8271/6014 shown as point "A" on the attached map and continuing in a generally south-south-easterly then south-easterly direction for approximately 302 metres to a point where it has a junction with the western margin of County Road C0181 in the Parish of Colan approximately 267 metres south-east of the "King's Head" at OSGR SW 8292/5694 shown as point "B" on the attached map

The Definitive Statement does not record any information as to the width of Public Footpath number 3 Colan. For the avoidance of doubt the intention of the order is to stop up the length of 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 Colan commencing from a point where it has a junction with the southern margin of County Road A392 in the Parish of Colan approximately 20 metres west-north-west of the property the "King's Head" at Ordnance Survey Grid Reference (OSGR) SW 8271/6013 shown as point "C" on the attached map thence running in a generally southerly then east-north-easterly then south-south-easterly then east-north-easterly then south-south-easterly then east-north-easterly direction for approximately 314 metres to a point where it has a junction with the western margin of County Road C0181 in the Parish of Colan approximately 202 metres south-east of the "King's Head" at OSGR SW 8291/6004 shown as point "D" on the attached map.

The new Publicly Maintained Highway described above will be 1.8 metres wide throughout.

Cornwall Council
Environment Service – Countryside Access Team
Submission to Secretary of State
Documents required by Planning Inspectorate

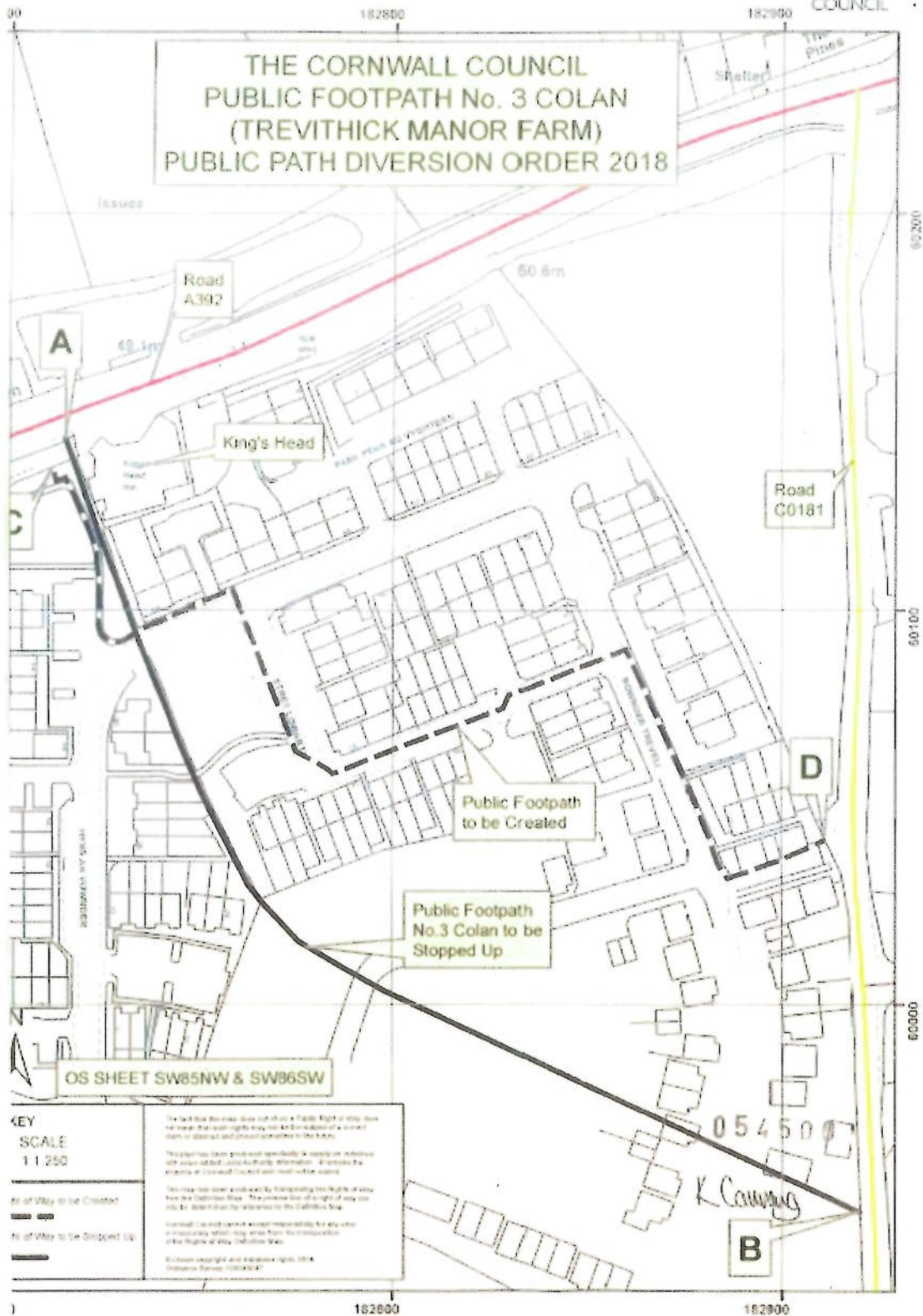
PART 3

LIMITATIONS AND CONDITIONS

Limitation Type	Pedestrian Gate
Standard	British Standard 5709:2018, "Gaps, Gates and Stiles - Specification" ISBN 978 0 580 98210 1
Variance from Standard	None
Design	In accord with Section 6.3 of BS 5709:2018 with latch
Position	OSGR SW 8291/6004 Boundary adjacent to Point 'D' on Order Map
Variation of Limitation	None
Maintenance Responsibility	To be maintained by landowner

ORIGINALLY
MAINTAINED
BY THE
LANDOWNER

Cornwall Council
 Environment Service – Countryside Access Team
 Submission to Secretary of State
 Documents required by Planning Inspectorate



MAP NOT TO ORIGINAL SCALE