

NOTICE OF ORDER TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257

Cornwall Council

The Cornwall Council (Footpath No. 25, Redruth (Part)) (Semmens Way)
Diversion Order 2016

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 **11 September 2019**.

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 that length of Public Footpath 25 Redruth commencing from a point where it joins the footway on the south-eastern side of Publicly Maintained Road A3047 approximately 64 metres south-south-west of "Hazeldene" at Ordnance Survey Grid Reference (OSGR) SW 6984/4329 then running in a generally south-south-easterly, easterly and east-south-easterly direction for 189 metres to a point where it joins that part of footpath 25 Redruth to be retained approximately 177 metres south-east of "Hazeldene" at OSGR SW 6998/4324 to a line commencing from a point where it joins the footway on the south-eastern side of Publicly Maintained Road A3047 approximately 64 metres south-south-west of "Hazeldene" at OSGR SW 6984/4329 then running in a generally south-south-easterly, east-north-easterly and south-easterly direction for 223 metres to a point where it joins that part of footpath 25 Redruth to be retained approximately 177 metres south-east of "Hazeldene" at OSGR SW 6998/4324.

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/3225726 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 202.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 25 September 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, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 6 November 2019]

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 18 December 2019]

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.

Notice of order for w/r

PUBLIC PATH DIVERSION ORDER

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
THE CORNWALL COUNCIL (FOOTPATH No. 25, REDRUTH (PART))
(SEMMENS WAY) DIVERSION ORDER 2016**

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 footpath 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:- Remediation of sub-surface mining features to stabilise land for use as employment site (B1), construction of roads to access employment land, installation of site infrastructure, including surface water drainage and foul drainage systems and landscaped space and:- Erection of up to 71 Open Market Dwellings and 5112 sq. metres of Employment Space with access roads and remediation of below ground mining features". Planning Reference numbers PA12/10102 and PA12/10103 respectively.

BY THIS ORDER

1. The footpath over the land shown by a 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 to this order 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:
 - (i) Where any part of the alternative highway between points "A" and "B" is supported by a carriageway or footway shown as part of the permitted development then the standard of construction shall be to the Cornwall Estate Development Standard.
 - (ii) Elsewhere the alternative highway shall be constructed so that its surface is reasonably convenient for use on foot.
5. Mr Simon Williams of Wheal Harmony Limited 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.

GIVEN under the Common Seal of the Council this 13th day of April 2016

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

W. Williams
WILLIAM WILKINSON
Authorised signatory



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

MADE BY CORNWALL COUNCIL

Signed: *M. J. Gibbon*

Date: 14 APRIL 2016

015446

SCHEDULE

PART 1

Description of site of existing path or way

A length of Public Footpath number 25 Redruth commencing from a point where it has a junction with the footway on the south-eastern side of Publicly Maintained Road A3047 approximately 64 metres south-south-west of the property "Hazeldene" at Ordnance Survey Grid Reference (OSGR) SW 6984/4329 shown as point "A" on the attached map thence running in a generally south-south-easterly, easterly and east-south-easterly direction for 189 metres to a point where it has a junction with that part of footpath number 25 Redruth to be retained approximately 177 metres south-east of the property "Hazeldene" at OSGR SW 6998/4324 shown as point "B" on the attached map.

The Definitive Statement records an Average Width of between 8' (eight feet) and 3' (three feet) for Public Footpath number 25 Redruth. 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 alternative highway

A length of Public Footpath number 25 Redruth commencing from a point where it has a junction with the footway on the south-eastern side of Publicly Maintained Road A3047 approximately 64 metres south-south-west of the property "Hazeldene" at Ordnance Survey Grid Reference (OSGR) SW 6984/4329 shown as point "A" on the attached map thence running in a generally south-south-easterly, east-north-easterly and south-easterly direction for 223 metres to a point where it has a junction with that part of footpath number 25 Redruth to be retained approximately 177 metres south-east of the property "Hazeldene" at OSGR SW 6998/4324 shown as point "B" on the attached map.

The new Public Footpath described above will be 1.8 (One point eight) metres wide throughout.

Town & Country Planning Act 1990 Section 257
Order Plan: Re File TAD 069

Parish: REDRUTH CP Path Number: FP/224/25

Produced by Programmes Team: 01 March 2016

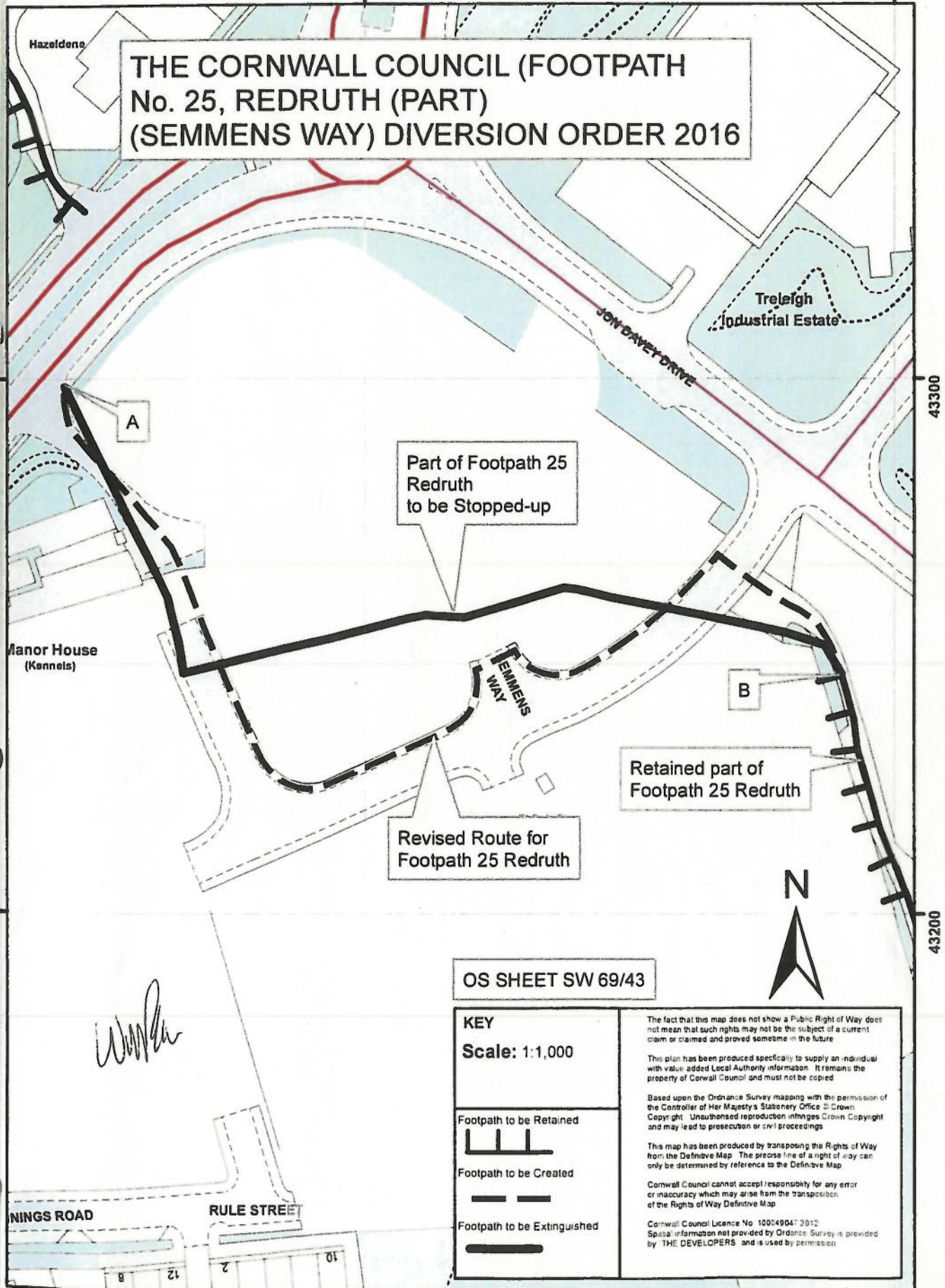
MAP NOT TO
ORIGINAL SCALE



169900

170000

**THE CORNWALL COUNCIL (FOOTPATH
No. 25, REDRUTH (PART)
(SEMMENS WAY) DIVERSION ORDER 2016**



Part of Footpath 25
Redruth
to be Stopped-up

Retained part of
Footpath 25 Redruth

Revised Route for
Footpath 25 Redruth

OS SHEET SW 69/43

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

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

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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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169900

170000

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 257

THE CORNWALL COUNCIL

(FOOTPATH No. 25,
REDRUTH (PART))
(SEMMENS WAY)
DIVERSION ORDER 2016

MADE BY CORNWALL COUNCIL:

13 APRIL 2016