PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

THE CORNWALL COUNCIL (FOOTPATH FROM UNCLASSIFIED ROAD U6027 VIA 'HIGHER POLCOVERACK' AND 'POLCOVERACK FARM' TO COUNTY ROAD B3294 AT COVERACK, ST KEVERNE (PART))
(UTILITY BUILDING CONVERSION AT 'POLCOVERACK FARM')
DIVERSION ORDER 2015

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 'Partial demolition and reconstruction, minor extension and change of use of existing stone built residential utility building and former barn to form a single dwelling, dismantling and relocation of existing agricultural pole barn, installation of a domestic packaged sewage treatment plant and diversion of part of footpath 68' in the Parish of St Keveryne on land at Polcoverack Farm, Coverack, TR12 6TD. Planning Reference PA 15/02279

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 dashed line 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) The replacement footpath shall be constructed to a standard set out in the Highways Agency Specification 803 Series for unbound porous surfaces so as to provide a surface that is convenient for users on foot. The material comprising the path sub-base and surface shall be contained by suitable edge-boards of treated timber.

5. Mr M Lea of Polcoverack Farm, Polcoverack Lane, Holston, Cornwall, TR12 6TD is hereby required to pay for the cost of carrying out the said works. (For the avoidance of doubt Mr M Lea is the Applicant registered by the Local Planning Authority against Planning Application PA 15/02279.)

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 from Unclassified Road U6027 via 'Higher Polcoverack' and 'Polcoverack Farm' to County Road B3294 At Coverack, St Keverne (Part))(Utility Building Conversion At 'Polcoverack Farm') Diversion Order 2015".

GIVEN under the Common Seal of the Council this day of 2015

THE COMMON SEAL OF THE
CORNWALL COUNCIL

Was hereto affixed in the presence of:

[Authorized Signatory]

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

AFTER THE CORNWALL COUNCIL CERTIFICATE WAS APPENDED

Signed:

Date: 17 July 2015
SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That part of a public footpath in St Keverne between Unclassified Road U6027 and County Road B3294 at Coverack commencing from a point where it has a junction with part of a public footpath in St Keverne to be retained approximately 68 metres west of the property known as "Polcoverack Farm" at Ordnance Survey Grid Reference (OSGR) SW 7759/1866 shown as point "A" on the attached map thence running in a generally east and south-easterly direction for a distance of 100 metres to a point where it has a junction with part of a public footpath to be retained approximately 42 metres south-east of the property known as "Polcoverack Farm" at OSGR SW 7767/1863 shown as point "B" on the attached map.

The footpath is described in The County of Cornwall (Footpath from Coverack Cove via Polcoverack to County Road, Parish of St Keverne) Modification Order 2005 as having a minimum width of 1 metre. 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

A length of Public Footpath commencing from a point where it has a junction with part of a public footpath in St Keverne to be retained approximately 68 metres west of the property known as "Polcoverack Farm" at Ordnance Survey Grid Reference (OSGR) SW 7759/1866 shown as point "A" on the attached map thence running in a generally south-easterly direction for a distance of 96 metres to a point where it has a junction with a part of a public footpath in St Keverne to be retained approximately 42 metres south-east of the property known as "Polcoverack Farm" at OSGR SW 7767/1863 shown as point "B" on the attached map.

The length of Public Footpath described above shall be 2.0 (two) metres in width throughout.
THE CORNWALL COUNCIL

(FOOTPATH FROM UNCLASSIFIED ROAD U6027
VIA 'HIGHER POLCOVERACK' AND 'POLCOVERACK FARM'
TO COUNTY ROAD B3294 AT COVERACK,
ST KEVERNE PART) (UTILITY BUILDING CONVERSION
AT 'POLCOVERACK FARM') DIVERSION ORDER 2015

KEY
SCALE 1:1,250

Retained Right of Way:                                       Right of Way to be Created:                                          Right of Way to be Stopped-Up:

OS SHEET SW 77/18

© Crown copyright and database right 2015 Ordnance Survey 100045847
This Order was confirmed on 20th January 2016 as an unopposed Order.

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 257

THE CORNWALL COUNCIL
(FOOTPATH FROM UNCLASSIFIED ROAD U6027 VIA ‘HIGHER POLCOVERACK’ AND ‘POLCOVERACK FARM’ TO COUNTY ROAD B3294 AT COVERACK, ST KEVERNE (PART)) (UTILITY BUILDING CONVERSION AT ‘POLCOVERACK FARM’)

DIVERSION ORDER 2015

MADE BY CORNWALL COUNCIL ON:

04 NOV 2015

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

AFTER THE CORNWALL COUNCIL CERTIFICATE WAS APPENDED

Signed: [Redacted]

Date: 07 JAN 2017

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
AND SCHEDULE 14 Part II Para 8

CERTIFICATE OF THE HIGHWAY AUTHORITY IN RESPECT OF AND ANNEXED TO:

THE CORNWALL COUNCIL
(FOOTPATH FROM UNCLASSIFIED ROAD U6027 VIA ‘HIGHER POLCOVERACK’ AND ‘POLCOVERACK FARM’ TO COUNTY ROAD B3294 AT COVERACK, ST KEVERNE (PART)) (UTILITY BUILDING CONVERSION AT ‘POLCOVERACK FARM’)
DIVERSION ORDER 2015

I hereby certify that the terms of Article 02 of the abovementioned Order that require that 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 the Order have been complied with, thereby enabling the order to Come Into Force.

Dated this 12th day of July 2017

Mike Eastwood
Countryside Access Team Leader
Cornwall Council