ORDER VARYING A PUBLIC PATH ORDER

CORNWALL COUNCIL.

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 333(7)

THE CORNWALL COUNCIL (FOOTPATH No. 15 ST DENNIS (PART) FOOTPATH No. 109 ST STEPHEN-IN-BRANNEL (PART) AND FOOTPATH No. 5 ST DENNIS (PARTS)) (CORNWALL ENERGY RECOVERY CENTRE, ROSTOWRACK FARM, HAUL ROAD AND ACCESS ROAD) VARYING ORDER 2017

1. On 6 February 2013 Cornwall Council being the Planning Authority and in pursuance of the powers under the Town and Country Planning Act 1990 Section 257 made a Public Path Order, 'The Cornwall Council (Footpath No. 15 St Dennis (Part) Footpath No. 109 St Stephen-in-Bran nel (Part) and Footpath No. 5 St Dennis (Parts)) (C ornwall Energy Recovery Centre, R ostowrack Farm, Haul Road and Access Road) Stopping Up and Diversion Order 2013'.

2. Cornwall Council made an Order under Section 257 of the Town and Country Planning Act 1990 because it was satisfied that it was necessary to stop up and divert the footpaths 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 [Planning Reference 08/0076].

3. On 11 December 2013 Cornwall Council confirmed 'The Cornwall Council (Footpath No. 15 St Dennis (Part) Footpath No. 109 St Stephen-in-Bran nel (Part) and Footpath No. 5 St Dennis (Parts)) (Cornwall Energy Recovery Centre, R ostowrack Farm, Haul Road and Access Road) Stopping Up and Diversion Order 2013' as an unopposed Order.

4. Replacement highways have been constructed as required by Article 4 of the Stopping Up and Diversion Order 2013, though the details of the replacement highway as constructed between points I-K-L-J vary from those described in paragraphs (v) of Part 1 and iv) of Part 2 of the Schedule of the 2013 Order and depicted in Order Map 4. This Order describes the variations to the 2013 Order that are necessary to enable Cornwall Council to be satisfied that the alternative highways have been created to the reasonable satisfaction of the Authority in accordance with Article 2 of the Stopping Up and Diversion Order 2013.

5. A copy of 'The Cornwall Council (Footpath No. 15 St Dennis (Part) Footpath No. 109 St Stephen-in-Bran nel (Part) and Footpath No. 5 St Dennis (Parts)) (Cornwall Energy Recovery Centre, R ostowrack Farm, Haul Road and Access Road) Stopping Up and Diversion Order 2013', depicting the variations to the 2013 Order is annexed as the Schedule to this Order. The variations are those changes to the Schedule and Order Map of the 2013 Order that are marked in red.

6. Cornwall Council, having regard to all material considerations, considers that it is expedient to vary, 'The Cornwall Council (Footpath No. 15 St Dennis (Part) Footpath No. 109 St Stephen-in-Bran nel (Part) and Footpath No. 5 St Dennis (Parts)) (Cornwall Energy Recovery Centre, R ostowrack Farm, Haul Road and Access Road) Stopping Up and Diversion Order 2013'.

7. This Order may be cited as 'The Cornwall Council (Footpath No. 15 St Dennis (Part) Footpath No. 109 St Stephen-in-Bran nel (Part) and Footpath No. 5 St Dennis (Parts)) (Cornwall Energy Recovery Centre, R ostowrack Farm, Haul Road and Access Road) Varying Order 2017'.
NOW THEREFORE Cornwall Council as Planning Authority and in pursuance of Town and Country Planning Act Section 333(7) hereby make the following Order:-

The Cornwall Council (Footpath No. 15 St Dennis (Part) Footpath No. 108 St Stephen-in-Brannel (Part) and Footpath No. 5 St Dennis (Parts)) (Cornwall Energy Recovery Centre, Rostowrack Farm, Haul Road and Access Road) Stepping Up and Diversion Order 2013 made by Cornwall Council on 6 February 2013 and confirmed by Cornwall Council on 11 December 2013 shall be varied as described in Article 5 of this Order. The variations to the Order shall take effect upon the date of confirmation of this Order.

GIVEN under the Common Seal of the Council this 18th day of July 2017

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

[Signature]
Parminder Dosanjh (Solicitor)
Senior Legal Officer
Commercial & Employment
Legal Services
CORNWALL COUNCIL

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

AFTER THE CORNWALL COUNCIL CERTIFICATE WAS APPENDED

Signed: [Signature]

Date: 25 September 2017
SCHEDULE

A COPY OF

The Cornwall Council (Footpath No. 15 St Dennis (Part) Footpath No. 109 St Stephen-in-Brannel (Part) and Footpath No. 5 St Dennis (Parts)) (Cornwall Energy Recovery Centre, Rostowrack Farm, Haul Road and Access Road) Stopping Up and Diversion Order 2013' with variations marked in red.
PUBLIC PATH STOPPING UP AND DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

THE CORNWALL COUNCIL (FOOTPATH No 15 ST DENNIS (PART) FOOTPATH No 109 ST STEPHEN-IN-BRANNEL (PART) AND FOOTPATH No 5 ST DENNIS (PARTS)) (CORNWALL ENERGY RECOVERY CENTRE, ROSTOWRACK FARM, HAUL ROAD AND ACCESS ROAD) STOPPING UP AND DIVERSION ORDER 2013

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 stop up and divert the footpaths 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 the erection of a waste to energy plant and ancillary development, including a bottom ash facility, building-up facility, chimney stack, administrative and visitor facilities, gatehouse and weighbridge, vehicle refuelling area, cooling units, parking and circulation areas, security fencing, drainage and landscaping works, pipe work for heat transfer to existing china-clay driers and other ancillary works, together with site access road, private haul road and bridge river crossing, junctions with existing highways and diversion of footpaths at Rostowrack Farm and land at Wheal Remfrey and Goonvean and Parkandylick Dryers, St Dennis, Cornwall. [Planning Application number 08/0078].

BY THIS ORDER

1. The public footpaths over the land shown by a bold black line on the attached maps and described in Part 1 of the Schedule to this order ("the Schedule") shall be stopped up and diverted as provided below.

2. There shall be created to the reasonable satisfaction of the authority alternative highways for use as a replacement for the said footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached maps.

3. The stopping up and diversion of the footpaths 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 highways described in Part 2 of the Schedule:

   Any replacement highway shall be constructed to a standard commensurate with its location and use. The replacement highway described in Part 2(b) of the Schedule to the order (Between Points "A" and "B" on attached Order Map 1) shall consist of an unbound surface to the appropriate Highways Agency Standard other than where it crosses the Haul Road. All other replacement highways described in Part 2 of the Schedule to the order shall be constructed to an applicable Cornwall Council Standard for adoptable highways to be maintained at the public expense.

The Articles of the Order are continued overleaf
The Articles of the order are continued from previous page

5. Cormac Solutions Limited (Registered at Cornwall Council Legal Services, New County Hall, Treyew Road, Truro, TR1 3AY) is hereby required to pay for the cost of carrying out the said works where these are associated with the Private Haul Road and the Access Road.

6. SITA Cornwall Limited (Registered at SITA House, Grenfell Road, Maidenhead, Berkshire, SL6 1ES) is hereby required to pay for the cost of carrying out the said works where these are associated with the Cornwall Energy Recovery Centre.

7. Where immediately before the date on which the footpaths are stopped up and 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 6th day of February 2013

THE COMMON SEAL OF THE CORNWALL COUNCIL

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

CONFFIRMED BY CORNWALL COUNCIL

Signed: [Redacted]
Date: 12th December 2013

[Redacted]
SCHEDULE

PART 1

Description of site of existing path or way

(i) A length of Public Footpath number 15 St Dennis commencing from a point where it has a junction with the part of footpath number 15 to be retained on the western side of the existing access track at Ordnance Survey Grid Reference (OSGR) SW 9274/5714 shown as point “A” on the attached map Order Map 1 then running in a generally north-easterly direction for 59 metres to a point where it has a junction with the part of footpath number 15 to be retained on the eastern side of the existing access track at OSGR SW 9279/5717 shown as point “B” on the attached map Order Map 1.

The Definitive Statement records that Footpath number 15 St Dennis is of varying width. 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 109 St Stephen-in-Brannel commencing from a point where it has a junction with public footpath number 108 and the part of footpath number 109 to be retained 27 metres south-east of the property “Glen Garth” at Ordnance Survey Grid Reference (OSGR) SW 9375/5678 shown as point “C” on the attached map Order Map 2 then running in a generally south-south-westerly direction for 21 metres to a point where it has a junction with County Road C0184 40 metres south-south-east of the property “Glen Garth” at OSGR SW 9375/5676 shown as point “D” on the attached map Order Map 2.

The Definitive Statement records a minimum width of 2.0 [two] metres for Footpath number 109 St Stephen-In-Brannel. For the avoidance of doubt it is intended to stop up the highway described above in its entirety.
(iii) A length of Public Footpath number 5 St Dennis commencing from a point where it has a junction with the part of footpath number 5 St Dennis to be retained at the southern margin of the Cornwall Energy Recovery Centre (CERC) Access Road 50 metres north-east of the Parish Boundary at Ordnance Survey Grid Reference (OSGR) SW 941755078 shown as point "E" on the attached map Order Map 3 then running in a generally north-easterly direction for 12 metres to a point where it has a junction with public footpath number 2 St Dennis at the northern margin of the CERC Access Road 92 metres north-east of the Parish Boundary at OSGR SW 941855079 shown as point "F" on the attached map Order Map 3.

The Definitive Statement records that the average width of Footpath number 5 St Dennis is 3 [three] feet. For the avoidance of doubt it is intended to stop up the highway described above in its entirety.

(iv) A length of Public Footpath number 5 St Dennis commencing from a point where it has a junction with footpath number 2 St Dennis at the northern margin of the CERC Access Road 92 metres north-east of the Parish Boundary at Ordnance Survey Grid Reference (OSGR) SW 941855079 shown as point "F" on the attached map Order Map 3 then running in a generally east-north-easterly direction for 195 metres to a point on the existing access road to "Bodella Farm" at OSGR SW 943655687 shown as point "H" on the attached map Order Map 3.

The Definitive Statement records that the average width of Footpath number 5 St Dennis is 3 [three] feet. For the avoidance of doubt it is intended to stop up the highway described above in its entirety.

(v) A length of Public Footpath number 5 St Dennis commencing from a point on the existing access road to "Bodella Farm" at Ordnance Survey Grid Reference (OSGR) SW 943655687 shown as point "H" on the attached map Order Map 4 then running in a generally east-north-easterly and north-easterly direction for 376 metres to a point where it has a junction with the part of footpath number 6 St Dennis to be retained 60 metres south of "Rostowrack Farm" at OSGR SW 946555710 shown as point "J" on the attached map Order Map 4.

The Definitive Statement records that the average width of Footpath number 5 St Dennis is 3 [three] feet. For the avoidance of doubt it is intended to stop up the highway described above in its entirety.

End of Part 1 of Schedule

381 metres to a point where it has a junction with that part of Footpath Number 5 St Dennis to be retained 84 metres south of "Rostowrack Farm" at OSGR SW 946555711 shown as point "J1" on Order Map 4.
PART 2

Description of site of alternative highways

(i) A length of Public Footpath in the Parish of St Dennis commencing from a point where it has a junction with the part of footpath number 15 St Dennis to be retained on the western side of the Cornwall Energy Recovery Centre (CERC) Private Haul Road at Ordnance Survey Grid Reference (OSGR) SW 9274/5714 shown as point "A" on the attached map Order Map 1 then running in a generally north-north-easterly, east-south-easterly and north-north-easterly direction for 82 metres crossing the CERC Private Haul Road to a point where it has a junction with that part of path number 15 St Dennis to be retained on the eastern side of the CERC Private Haul Road at OSGR SW 9279/5717 shown as point "B" on the attached map Order Map 1.

The length of public footpath described above shall have a width of 2.0 [two] metres throughout.

(ii) A length of Public Footpath in the Parish of St Dennis commencing from a point where it has a junction with the part of footpath number 5 St Dennis to be retained at the southern margin of the CERC Access Road 80 metres north-east of the Parish Boundary at Ordnance Survey Grid Reference (OSGR) SW 9417/5578 shown as point "E" on the attached map Order Map 3 then running in a generally northerly and easterly direction for 21 metres crossing the CERC Access Road to a point where it has a junction with another length of footpath in the Parish of St Dennis to be created by this order at the northern margin of the CERC Access Road 88 metres north-east of the Parish Boundary at OSGR SW 9418/5579 shown as point "G" on the attached map Order Map 3.

The length of public footpath described above shall have a width of 2.0 [two] metres throughout.

(iii) A length of Public Footpath in the Parish of St Dennis commencing from a point where it has a junction with public footpath number 2 St Dennis at the northern margin of the CERC Access Road 92 Metres north-east of the Parish Boundary at Ordnance Survey Grid Reference (OSGR) SW 9418/5579 shown as point "F" on the attached map Order Map 3 then running in a generally southerly direction for 4 metres to a point where it has a junction with another length of path to be created by this order at the northern margin of the CERC Access Road 88 metres north-east of the Parish Boundary at OSGR SW 9418/5579 shown as point "G" on the attached map Order Map 3 then in an east-north-easterly direction for 201 metres to a point on the existing access road to "Bodella Farm" at OSGR SW 9436/5689 shown as point "I" on the attached map Order Map 3.

The length of public footpath described above shall have a width of 2.0 (two) metres throughout.
(iv) A length of Public Footpath in the Parish of St Dennis commencing at a point on the existing access road to "Bodella Farm" at Ordnance Survey Grid Reference (OSGR) SW 9435/5689 shown as point "I" on the attached map Order Map 4 then running in a generally east-north-easterly direction for 138 metres to a point 214 metres south of CERC STACK at OSGR SW 9447/5696 shown as point "O1" on Order Map 4 then continuing in a generally north-north-westerly and northerly direction for 270 metres to a point 63 metres west of the CERC STACK at OSGR SW 9440/5717 shown as point "K1" on Order Map 4 then continuing in a generally north-easterly direction for 138 metres to a point 91 metres north-east of the CERC STACK at OSGR SW 9451/5725 shown as point "L" on Order Map 4 then continuing in a generally south-easterly direction for 212 metres to a point where it has a junction with Footpath 5 St Dennis 84 metres south of "Rostowrak Farm" at OSGR SW 9466/5711 shown as point "J1" on Order Map 4.

The length of public footpath described above shall have a width of 2.0 (two) metres throughout.

End of Part 2 of Schedule
THE CORNWALL COUNCIL
(FOOTPATH No 15 ST DENNIS (PART)
FOOTPATH No 109 ST STEPHEN-IN-BRANNEL (PART)
AND FOOTPATH No 5 ST DENNIS (PARTS))
(CORNWALL ENERGY RECOVERY CENTRE,
ROSTOWRACK FARM,
HAUL ROAD AND ACCESS ROAD)
STopping up and Diversion Order 2013

ORDER MAP No 1
DIVERSION OF
FOOTPATH NUMBER 15
ST DENNIS AT HAUL ROAD CROSSING

FP/416/15 to be Retained

Part of FP/416/15 to be Stopped-Up

Revised route for FP/416/15

KEY
Scale: 1:1,000

Footpaths to be Retained:

Footpaths to be Created:

Footpaths to be Stopped-Up:

OS SHEET SW 92/67

Tanks (disused)
THE CORNWALL COUNCIL
(FOOTPATH No 15 ST DENNIS (PART)
FOOTPATH No 109 ST STEPHEN-IN-BRANNEL (PART)
AND FOOTPATH No 5 ST DENNIS (PARTS))
(CORNWALL ENERGY RECOVERY CENTRE,
ROSTOWRACK FARM,
HAUL ROAD AND ACCESS ROAD)
STOPPING UP AND DIVERSION ORDER 2013

ORDER MAP No 2
STOPPING-UP SOUTH END OF
FOOTPATH NUMBER 109
St STEPHEN-IN-BRANNEL AT LA MOUNT CORNER

La-Mount

Glen Garth

FP/418/17

FP/418/2

FP/422/108

FP/422/106

to be retained

to be Stopped-Up

Part of FP/422/109

168.8m

Scale: 1:500

KEY

OS SHEET 93/67

Produced by Countryside Access Team: 29 January 2013

Town & Country Planning Act 1990 Section 257
Order Pltn: Re File YAD 093
Parish: ST STEPHEN-IN-BRANNEL CP Path Number: FP/422/109

Cornwall Council Limited is the trading name of Cornwall Council
Registered Office: Old Post Office, St Columb TR9 5DU
Council House: Truro TR1 2AP
Tel: 0845 275 4600
Email: info@cornwall.gov.uk
Website: www.cornwall.gov.uk
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Leaflets published by Cornwall Council Limited under its statutory powers.
(20130222): Cornwall Council Limited, Old Post Office, St Columb, Cornwall TR9 5DU
Tel: 0845 275 4600. Email: info@cornwall.gov.uk
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THE CORNWALL COUNCIL
(FOOTPATH No 15 ST DENNIS (PART)
FOOTPATH No 109 ST STEPHEN-IN-BRANNE (PART)
AND FOOTPATH No 5 ST DENNIS (PARTS))
(CORNWALL ENERGY RECOVERY CENTRE,
ROSTOWRACK FARM,
HAUL ROAD AND ACCESS ROAD)
STOPPING UP AND DIVERSION ORDER 2013

ORDER MAP No 5
DIVERSION OF WESTERN SECTION OF
FOOTPATH NUMBER 5
ST DENNIS AT ACCESS ROAD

Replacement Route for
FP/416/5

Part of FP/416/5
to be Stopped-Up

Mineral Railway

Access to Bodella Farm

Parish Boundary

FP/416/2

FP/416/5

FP/422/31

OS SHEET SW 94/56

KEY
Scale: 1:2,000

Footpath to be Relieved:

Footpath to be Created:

Footpath to be Stopped-Up:

This map has been produced by the Cornwall Council in accordance with the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Orders) Regulations 1992. The use of the map is subject to the conditions set out in the relevant legislation. The map is only intended for use by the Council, its agents and those persons authorised by the Council to use the map.

The Council reserves the right to alter or amend the map at any time without notice, and the map is not intended for publication or distribution.
Variations to Order Map 4 shown in red
June 2017

Town & Country Planning Act 1990 Section 257
Order Plan: Re File TAD 033
Parish: ST DENNIS CP Path Number: FP/416/5
Produced by Countryside Access Team: 29 January 2013

THE CORNWALL COUNCIL
(FOOTPATH No 16 ST DENNIS (PART)
FOOTPATH No 108
ST STEPHEN-IN-BRANNEIL (PART)
AND FOOTPATH No 8 ST DENNIS (PARTS))
(CORNWALL ENERGY
RECOVERY CENTRE,
ROSTOBRACK FARM,
HAUL ROAD AND ACCESS ROAD)
STOPPING UP AND
DISSOLUTION ORDER 2013

ORDER MAP No 4
VERSION OF
EASTERN SECTION OF
FOOTPATH NUMBER 5
ST DENNIS AT "CERC" SITE

K1

CERC STACK

FP/416/5

Access to Bodella Farm

Mineral Railway

KEY
Scale: 1:2,000

Footpath to be Retained:

Footpath to be Created:

Footpath to be Stopped-Up:

The footpath map does not show Public Rights of Way.
It does not show that a footpath map route is the subject of a
current claim or intended to be made in the future.

This plan has been produced to satisfy an individual
with today's edition of current information. It includes the
property of Cornwall Council and must not be copied.

The interpretation of the Minor Works Regulations
implies that any claim to improve the quality of
access across the land is not for the benefit of public
domestic use, it is a matter for the local community.

Countryside Council for Wales cannot accept ownership of
any new or improved area or any of the work involved.

Countryside Council for Wales (01736 816257)

OS SHEET SW 94/57

O1

L to M and K to N:
Peninsular FP's shown
for illustrative
purposes only

Rostowrack Farm

Balancing Pond

J

J1

H

I
THIS PAGE IS INSERTED FOR DISPLAY PURPOSES TO ENSURE THAT THE BACK PAGE OF THE ENGROSSED ORDER IS SHOWN AS THE BACK PAGE OF THIS COPY
This Order was confirmed on 11th December 2013 as an unopposed Order.

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 257
PUBLIC PATH ORDER

THE CORNWALL COUNCIL
(FOOTPATH No 15 ST DENNIS (PART)
FOOTPATH No 109 ST STEPHEN-IN-BRANNEL (PART)
AND FOOTPATH No 6 ST DENNIS (PARTS))
(CORNWALL ENERGY RECOVERY CENTRE,
ROSTOWRACK FARM,
HAUL ROAD AND ACCESS ROAD)
STOPPING UP AND DIVERSION ORDER 2013
This Order was confirmed on 6 September 2017 as an unopposed Order.

ORDER VARYING A PUBLIC PATH ORDER

CORNWALL COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 333(7)

'THE CORNWALL COUNCIL (FOOTPATH NO. 15 ST DENNIS (PART) FOOTPATH NO. 109 ST STEPHEN-IN-BRANNEAL (PART) AND FOOTPATH NO. 5 ST DENNIS (PARTS)) (CORNWALL ENERGY RECOVERY CENTRE, ROSTOWRACK FARM, HAUL ROAD AND ACCESS ROAD) VARYING ORDER 2017'

MADE BY CORNWALL COUNCIL ON:

19 July 2017

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

AFTER THE CORNWALL COUNCIL CERTIFICATE WAS APPENDED

Signed: [Signature]

Date: 25 September 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 No. 15 ST DENNIS (PART) FOOTPATH No. 109 ST STEPHEN-IN-BRANNEAL (PART) AND FOOTPATH No. 5 ST DENNIS (PARTS)) (CORNWALL ENERGY RECOVERY CENTRE, ROSTOWRACK FARM, HAUL ROAD AND ACCESS ROAD) VARYING ORDER 2017

I hereby certify that the terms of Article 04 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 21st day of September 2017

Mike Eastwood

Mike Eastwood
Countryside Access Team Leader
Cornwall Council