PUBLIC PATH DIVERSION ORDER
HIGHWAYS ACT 1980
CORNWALL COUNCIL
THE CORNWALL COUNCIL (FOOTPATH No. 5, ILLOGAN (PART))
(PORTREAT PHASE 2)
PUBLIC PATH DIVERSION ORDER 2016

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;

Galliford Try Partnerships Ltd of Keybury House, Decoy Industrial Estate, Newton Abbot, Devon TQ12 5ND 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 sites of the paths into a fit condition for use by the public.

BY THIS ORDER:

1. The public right of way over the land situate south of the named estate road, "The Incline" in the Parish of Illogan shown by a bold 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 highway 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 28 days from the date of confirmation of this order be a public footpath over the land situate to the south of the named estate road "The Incline" in the Parishes of Illogan and Portreath described in Part 2 of the Schedule to this order and shown by a bold broken line on the map attached to this order.

4. The rights conferred on the public under this order shall not be subject to any limitation or condition.

5. This Order may be cited as "The Cornwall Council (Footpath No 5, Illogan (Part)) (Portreath Phase 2) Public Path Diversion Order 2016".

GIVEN under the Common Seal of the Council this 27th day of April 2016

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

[Signature]

Authorised signatory

The foregoing order is hereby confirmed

Joanne Burston 07 JUL 2017
An Inspector appointed by The Secretary of State for Environment, Food and Rural Affairs
SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

A length of Public Footpath number 5 Illogan commencing from a point where it has a junction with that part of Public Footpath number 5 to be retained approximately 85 metres south of the property number 1 "Tregea Close" at Ordnance Survey Grid Reference (OSGR) SW 6565/4459 shown as point "A" on the attached map thence running in a generally east-south-easterly direction for a distance of 114 metres to a point where it has a junction with that part of footpath number 5 Illogan to be retained approximately 58 metres south-south-west of the property "Lea Bank" Feadon Lane" at OSGR SW 6576/4458 shown as point "B" on the attached map.

The Definitive Statement records an average width of 18" (eighteen inches) to 4' 0" (four feet) for Footpath number 5 Illogan. For the avoidance of doubt it is intended to stop up the 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 Illogan commencing from a point where it has a junction with that part of Public Footpath number 5 to be retained approximately 85 metres south of the property "1 Tregrea Close" at Ordnance Survey Grid Reference (OSGR) SW 6565/4459 shown as point “A” on the attached map thence running in a generally northerly direction for a distance of 1 metre to a point where it has a junction with that length of Public Footpath in the Parish of Portreath to be created by this order and described in (ii) below at the parish boundary approximately 84 metres south of the property “1, Tregrea Close” at OSGR SW 6565/4459 shown as point “C” on the attached map.

(ii) A length of Public Footpath in the Parish of Portreath commencing from a point where it has a junction with that length of Public Footpath in the Parish of Illogan to be created by this order and described at (i) above at the parish boundary 84 metres south of the property number 1 “Tregrea Close” at Ordnance Survey Grid Reference (OSGR) SW 6565/4459 shown as point “C” on the attached map thence running in a generally north-north-westerly, east-north-easterly, east-south-easterly and south-south-easterly direction for a distance of 181 metres to a point where it has a junction with that length of Public Footpath in the Parish of Illogan to be created by this order and described in (iii) below at the parish boundary approximately 57 metres south-south-west of the property “Lea Bank, Feadon Lane” at OSGR SW 6576/4458 shown as point “D” on the attached map.

(iii) A length of Public Footpath in the Parish of Illogan commencing from a point where it has a junction with that length of Public Footpath in the Parish of Portreath to be created by this order and described at (ii) above at the parish boundary approximately 57 metres south-south-west of the property “Lea Bank, Feadon Lane” at Ordnance Survey Grid Reference (OSGR) SW 6576/4458 shown as point “D” on the attached map thence running in a generally south-south-easterly direction for a distance of 1 metre to a point where it has a junction with that part of footpath number 5 Illogan to be retained approximately 58 metres south-south-west of the property “Lea Bank” Feadon Lane” at OSGR SW 6576/4458 shown as point “B” on the attached map.

The lengths of Public Footpath described above at (i), (ii) and (iii) shall each have a width of 1.80 (one point eight) metres throughout.
THE CORNWALL COUNCIL (FOOTPATH No. 5, ILLOGAN PART)) (PORTREATH PHASE 2)
PUBLIC PATH DIVERSION ORDER 2016

FP Illogan 5 to be Retained

Brown Line = Mult Use Trail "Portreath Branch Line"

Part of FP Illogan 5 to be Extinguished

FP Illogan 5 to be Retained

Road C0027

ILLOGAN CP

PORTREATH CP

Alternative Public Footpath in Portreath CP

KEY

SCALE
1:1,250

Retained Footpath:

Footpath to be Created:

Footpath to be Extinguished:

OS SHEET SW 65/44

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 claimant and proved sometime in the future.

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CORNWALL COUNCIL

(FOOTPATH No. 5, ILLOGAN (PART))

(PORTREATH PHASE 2)

PUBLIC PATH DIVERSION ORDER

2016

MADE BY CORNWALL COUNCIL ON:

27 APRIL 2016

HIGHWAYS ACT 1980 SECTION 119

CORNWALL COUNCIL

CERTIFICATE OF THE HIGHWAY AUTHORITY [HIGHWAYS ACT 1980 S119 (3)(b)] IN RESPECT OF AND ANNEXED TO:

The Cornwall Council (Footpath No. 5, Illogen (Part)) (Portreath Phase 2)
Public Path Diversion Order 2016

I hereby certify that the terms of Article 1 of the abovementioned order requiring works to be carried out to bring the site of the new highway described in Part 2 of the Schedule to the order into a fit condition for use by the public have been complied with, thereby enabling the order to come into force.

Dated this 11th day of December 2017

[Signature]

Michael K Eastwood
Countryside Access Team Leader