PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

CORNWALL COUNCIL

THE CORNWALL COUNCIL (FOOTPATH No. 4, ST JUST-IN-PENWITH (PART))
(KERROW FARM AND ENVIRONS)
PUBLIC PATH DIVERSION ORDER 2015

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;

Mr and Mrs J Sproson have 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 right of way over the land situate at and to the east of "Kerrow Farm" in the Parish of St Just-in-Penwith 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 south and to the east of "Kerrow Farm" in the Parish of St Just-in-Penwith 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 be subject to the limitations and conditions set out in Part 3 of the Schedule to this Order.

5. This Order may be cited as, "The Cornwall Council (Footpath No. 4, St Just-in-Penwith (Part)) (Kerrow Farm and Environs) Public Path Diversion Order 2015".

GIVEN under the Common Seal of the Council this 18th day of March 2015

THE COMMON SEAL OF THE
CORNWALL COUNCIL

Authorised signatory

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

AFTER THE CORNWALL COUNCIL CERTIFICATE WAS APPENDED

Signed: \\
Date: 20 July 2016
SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

A length of Public Footpath number 4 in the Parish of St Just-in-Penwith commencing at a point where it has a junction with that part of Public Footpath number 4 St Just-in-Penwith to be retained within the extent of the privately maintained access track to Kerrow Farm and other dwellings approximately 52 metres west of the property shown as “Kerrow” at Ordnance Survey Grid Reference (OSGR) SW 3816/2774 shown as point “A” on the attached map thence running in a generally north-easterly then easterly then south-easterly then easterly direction for a distance of 360 metres to a point where it terminates at the parish boundary with St Buryan Civil Parish within the extent of an accommodation track surveyed by Ordnance Survey approximately 287 metres east-south-east of the property shown as “Kerrow” at OSGR SW 3850/2767 shown as point “B” on the attached map.

The Definitive Statement records no information in respect of the width of Public Footpath number 4 St Just-in-Penwith. 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 NEW PATH OR WAY

A length of Public Footpath in the Parish of St Just-in-Penwith commencing at a point where it has a junction with that part of Public Footpath number 4 St Just-in-Penwith to be retained within the extent of the privately maintained access track to Kerrow Farm and other dwellings approximately 52 metres west of the property shown as “Kerrow” at Ordnance Survey Grid Reference (OSGR) SW 3816/2774 shown as point “A” on the attached map thence running in a generally south-easterly then easterly then east-south-easterly direction for a distance of 353 metres to a point where it meets the parish boundary with St Buryan Civil Parish within the extent of an accommodation track surveyed by Ordnance Survey approximately 289 metres east-south-east of the property shown as “Kerrow” at OSGR SW 3850/2766 shown as point “C” on the attached map thence running in a generally northerly direction along the parish boundary with St Buryan Civil Parish within the extent of an accommodation track surveyed by Ordnance Survey for a distance of 11 metres to a point where it terminates on the parish boundary within the extent of an accommodation track surveyed by Ordnance Survey approximately 287 metres east-south-east of the property shown as “Kerrow” at OSGR SW 3850/2767 shown as point “B” on the attached map.

The total length of the new path shall be 364 metres.
The Public Footpath described above shall have a width of 2.0 (two) metres throughout.
Where the Public Footpath runs adjacent to a boundary the nominal centreline of the right of way shall be 1.50 (one and one half) metres from the nearest fixed point of that boundary.
Where the Public Footpath runs within an existing accommodation track the right of way shall be equally distributed along the nominal centreline of the track.
## SCHEDULE

### PART 3
LIMITATIONS AND CONDITIONS

<table>
<thead>
<tr>
<th>Schedule Part 3 (i)</th>
<th>Kissing Gate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>None</td>
</tr>
<tr>
<td>Design</td>
<td>In accord with BS 5709:2006</td>
</tr>
<tr>
<td>Position</td>
<td>OSGR SW 3849/2766 (Boundary at Point &quot;KG&quot; on Order Map.)</td>
</tr>
<tr>
<td>Variation or Stipulation in respect of Limitation</td>
<td>None</td>
</tr>
<tr>
<td>Design Details</td>
<td>Provided that the specifications of BS 5709;2006 are met the Kissing Gate may be of wooden or metal construction</td>
</tr>
<tr>
<td>Maintenance Responsibility</td>
<td>To be maintained by the landowner</td>
</tr>
</tbody>
</table>

End of Part 3
THE CORNWALL COUNCIL (FOOTPATH No. 4, ST. JUST-IN-PENWITH (PART)) (KERROW FARM AND ENVIRONS) PUBLIC PATH DIVERSION ORDER 2015

Part of Footpath number 11
St Just-in-Penwith to be retained

Part of Footpath number 4
St Just-in-Penwith to be retained

Part of Footpath number 4
St Just-in-Penwith to be extinguished

Part of Footpath number 71
St Buryan to be retained

ST JUST-IN-PENWITH CP

ST BURYAN CP

KEY
Scale: 1:2,500

Footpath to be Retained:

Footpath to be Created:

Footpath to be Extiguished:

OS SHEET SW 38/27

Road A30
Indicative Centreline
This Order was confirmed by Cornwall Council as an unopposed Order on:

12 May 2015

Authorised Signatory

HIGHWAYS ACT 1980
SECTION 119

CORNWALL COUNCIL

(FOOTPATH No. 4, ST JUST IN PENWITH (PART))
(KERROW FARM AND ENVIRONS)
PUBLIC PATH DIVERSION ORDER 2015
MADE BY CORNWALL COUNCIL ON:

18 Mar 2015

Highways Act 1980 S119:
This Diversion Order Comes into Force when Cornwall Council Certify that work has been carried out to bring the site of the new highway into fit condition for public use.

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. 4, ST JUST-IN-PENWITH (PART))
(KERROW FARM AND ENVIRONS)
PUBLIC PATH DIVERSION ORDER 2015

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 23rd day of July 2015

[Signature]
Michael Eastwood
Countryside Access Team Leader

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

AFTER THE CORNWALL COUNCIL CERTIFICATE WAS APPENDED

Signed: 

Date: 30 July 2015