PUBLIC PATH DIVERSION ORDER
HIGHWAYS ACT 1980
CORNWALL COUNCIL

THE CORNWALL COUNCIL
(FOOTPATH No. 23 & FOOTPATH No. 29,
ST MERRYN (PARTS)) (ST MERRYN'S CHURCH)
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 owner of part of the land crossed by the footpaths described in paragraph 1 of this Order it is expedient that the line of the paths should be diverted;

Miss S J Hodgson 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 rights of way over the land situate at "St Merry's Church", and "Churchtown House" in the Parish of St Merryn shown by a bold continuous lines on the map attached to this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 28 days from the date of confirmation of this Order.

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 be at the end of 28 days from the date of confirmation of this Order be a public footpath over the land situate at "St Merry's Church" in the Parish of St Merryn as 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. 23 & Footpath No. 29, St Merryn (Parts)) (St Merryn's Church) Public Path Diversion Order 2015".

GIVEN under the Common Seal of the Council this 25th day of APRIL 2015

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

Authorised signatory

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

CONFIRMED BY CORNWALL COUNCIL
Signed: [Signature]
Date: 15th June 2015
SCHEDULE

PART 1

DESCRIPTION OF SITES OF EXISTING PATHS OR WAYS

(i) A length of Public Footpath number 23 St Merryn commencing from a point where it has a junction with that part of Footpath number 23 St Merryn to be retained approximately 78 metres south of “St Merryn’s Church” at Ordnance Survey Grid Reference (OSGR) SW 8863/7406 shown as Point “B” on the attached map thence running in a generally north-easterly direction for a distance of 33 metres to a point where it has a junction with that part of Footpath number 23 St Merryn to be retained approximately 53 metres south-south-east of “St Merryn’s Church” at OSGR SW 8865/7408 shown as Point “C” on the attached map.

The Definitive Statement records no information in respect of the width for Footpath 23 St Merryn. For the avoidance of doubt it is intended to stop up the length of the Public Footpath described above in its entirety.

(ii) A length of Public Footpath number 29 St Merryn commencing from a point where it has a junction with that part of Footpath number 29 St Merryn to be retained and a part of Footpath number 23 St Merryn to be retained approximately 51 metres south-south-east of “St Merryn’s Church” at OSGR SW 8865/7409 shown as Point “D” on the attached map thence running in a generally north-easterly then north-north-easterly then northerly then north-north-westerly direction for a distance of 83 metres to a point where it has a junction with the County Road B 3276 at OSGR SW 8866/7416 shown as Point “E” on the attached map.

The Definitive Statement records no information in respect of the width for Footpath 29 St Merryn. For the avoidance of doubt it is intended to stop up the length of the Public Footpath 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 St Merryn commencing from a point where it has a junction with the County Road B 3276 approximately 48 metres north-west of “St Merryn’s Church” at Ordnance Survey Grid Reference (OSGR) SW 8861/7417 shown as Point “A” on the attached map thence running via a set of 4 (four) steps at Point A(ii) and a set of 6 (six) steps at Point A(vi) in a generally south-easterly then southerly then south-easternly direction for a distance of 122 metres to a point where it has a junction with part of Footpath 23 to be retained, that part of Footpath 23 to be extinguished and a further section of public footpath created by this order approximately 78 metres south of “St Merryn’s Church” at OSGR SW 8863/7406 shown as Point “B” on the attached map.

The Public Footpath described above shall have a width varying between 3.0 (three) and 1.6 (one point six) metres between Points A and A(i) on the attached map, a width of 1.5 (one point five) metres between Points A(i) and A(ii) on the attached map, a width of 1.1 (one point one) metres between Points A(ii) and A(iii) on the attached map, a width of 2.0 (two point zero) metres between Points A(iii) and A(iv) on the attached map, a width of 1.0 (one point zero) metre between Points A(iv) and A(v) on the attached map, a width of 1.6 (one point six) metres between Points A(v) and A(vi) on the attached map, and a width of 2.0 (two point zero) metres between Points A(vi) and B on the attached map.
(ii) A length of Public Footpath in the Parish of St Merryn commencing from a point where it has a junction with part of Footpath 23 to be retained, that part of Footpath 23 to be extinguished and a section of public footpath created by this order approximately 78 metres south of “St Merryn’s Church” at OSGR SW 8863/7406 shown as Point “B” on the attached map thence continues in a north-easterly then northerly direction for a distance of 36 metres to a point where it has a junction with a part of Footpath number 23 St Merryn to be retained approximately 54 metres south-south-east of “St Merryn’s Church” at OSGR SW 8865/7408 shown as Point “C” on the attached map.

The Public Footpath described above shall have a width of 2.0 (two) metres throughout.
# PART 3

## LIMITATIONS AND CONDITIONS

<table>
<thead>
<tr>
<th>Schedule Part 3 (i)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Limitation Type</strong></td>
<td>Entrance Gate (Entrance to Church Yard)</td>
</tr>
<tr>
<td><strong>Standard</strong></td>
<td>General principles of BS 5709:2006 must be satisfied.</td>
</tr>
<tr>
<td><strong>Variance from Standard</strong></td>
<td>The entrance gate is comprised of a pair of gates which satisfy the general principles of BS 5709:2006.</td>
</tr>
<tr>
<td><strong>Design</strong></td>
<td>As desired by landowner provided general principles of BS 5709:2006 and the variation to that standard are satisfied.</td>
</tr>
<tr>
<td><strong>Position</strong></td>
<td>OSGR SW 8861/7416 [At Point “A(l)” on Order Map].</td>
</tr>
<tr>
<td><strong>Variation or Stipulation in respect of Limitation</strong></td>
<td>The width between the gate posts to be at least 1.6 metres.</td>
</tr>
<tr>
<td><strong>Design Details</strong></td>
<td>A self-closing mechanism may be installed.</td>
</tr>
<tr>
<td><strong>Maintenance Responsibility</strong></td>
<td>To be maintained by landowner.</td>
</tr>
</tbody>
</table>
THE CORNWALL COUNCIL
(FOOTPATH No. 23 & FOOTPATH No. 29
ST MERRYN (PARTS)) (ST MERRYN'S CHURCH)
PUBLIC PATH DIVERSION ORDER 2015

OS SHEET SW8874

KEY
Scale: 1:1,000

Existing Rights of Way:

Footpath to be Created:

Footpath to be Extinguished:

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This Order was confirmed by Cornwall Council as an unopposed Order on:
15 June 2015

Authorised Signatory

HIGHWAYS ACT 1980
SECTION 119
CORNWALL COUNCIL
(FOOTPATH No. 23 & FOOTPATH No. 29,
ST MERRYN (PARTS))
(ST MERRYN'S CHURCH)
PUBLIC PATH DIVERSION ORDER 2015

MADE BY CORNWALL COUNCIL ON:
20 APRIL 2015