PUBLIC PATH STOPPING UP AND DIVERSION ORDER
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

THE CORNWALL COUNCIL (FOOTPATH No. 1, CARLYON (PART) AND AN UNRECORDED PUBLIC FOOTPATH) (OVERFLOW CAR PARK AT BEACH ROAD, CARLYON BAY) STOPPING UP AND 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 respectively divert and stop up 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 re-surfacing of cliff top car park (off Beach Road), together with demarcation of parking spaces, new cycle parking provisions, associated landscaping, new surface water drainage system on land at Carlyon Bay Car Park, off Beach Road, Carlyon Bay, Cornwall. (Planning Reference PA 10/07544)

BY THIS ORDER

1. The Footpaths over the land shown by solid bold black lines on the attached map and described in Part I of the Schedule to this Order ("the Schedule") shall be respectively diverted (Path "A" to "B") and stopped up (Path "C" to "D") as shown on the map attached to this Order 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 Footpaths as provided in Part 2 of the Schedule and shown by bold black dashes (Path "E" to "D" to "B") on the attached map and described in Part 2 of the Schedule to this Order.

3. The respective diversion and stopping up 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 highway described in Part 2 of the Schedule. 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 slab base and surface shall be contained by suitable edge-boards of treated timber.

5. GMW Nine Ltd. C/o Commercial Estates Group, Sloane Square House, 1 Holbein Place, London SW1W 8NS are hereby required to pay for the cost of carrying out the said works. (For the avoidance of doubt GMW Nine Ltd are the Applicants registered by the Local Planning Authority against Planning Applications PA 10/07544, PA 12/10196 and PA 14/05234).

6. Where immediately before the date on which the Footpath is created 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 No. 1, Carlyon (Part) and an Unrecorded Public Footpath) (Overflow Car Park at Beach Road, Carlyon Bay) Stopping Up and Diversion Order 2015".

GIVEN under the Common Seal of the Council this 5th day of December 2015

[Signature]

The foregoing order is hereby confirmed subject to the red ink modifications thereon

An Inspector appointed by The Secretary of State for Environment, Food and Rural Affairs

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

AFTER THE CORNWALL COUNCIL CERTIFICATE WAS APPENDED

Signed

Date: 4/12/2018
SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

i) That part of Public Footpath number 1 in the Parish of Carlyon commencing from a point where it has a junction with those parts of Footpaths number 1 Carlyon and 3 Carlyon to be retained approximately 125 metres north-north-west of the building known as "The Beach Sale Site" at Ordnance Survey Grid Reference (OSGR) SX 0547/5221 shown as point "A" on the attached map thence running in a generally south-westerly direction for a distance of 121 metres to a point where it has a junction with that part of Public Footpath number 1 Carlyon to be retained approximately 113 metres west-north-west of the building known as "The Beach Sale Site" at OSGR SX 0539/5212 shown as point "B" on the attached map.

Footpath number 1 Carlyon is recorded in the Definitive Statement for the area (Relevant Date 15 September 2006) as Footpath number 36 in the former St Austell Unparished Area. The whole path is recorded with an average width of 3'0" (three feet) and a part of the Footpath not affected by this Order is recorded as having a minimum width of 2.0 (two) metres. For the avoidance of doubt the intention of the Order is to stop up the highway described above in its entirety.

ii) That part of an unrecorded Public Footpath in the Parish of Carlyon commencing from a point where it has a junction with that part of Public Footpath number 3 Carlyon to be retained approximately 122 metres north of the building known as "The Beach Sale Site" at Ordnance Survey Grid Reference (OSGR) SX 0548/5221 shown as point "C" on the attached map thence running in a generally south-westerly direction for a distance of 129 metres to a point where it has a junction with that part of the said unrecorded Public Footpath to be retained approximately 102 metres west-north-west of the building known as "The Beach Sale Site" at OSGR SX 0540/5212 shown as point "D" on the attached map.

The Definitive Statement for the area (relevant date 15 September 2006) contains no entry for the said unrecorded Public Footpath in the Parish of Carlyon. 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

iii) A length of Public Footpath in the Parish of Carlyon commencing from a point where it has a junction with those parts of Footpaths number 3 Carlyon and number 4 Carlyon to be retained approximately 123 metres north of the building known as "The Beach Sale Site" at Ordnance Survey Grid Reference (OSGR) SX 0549/5221 shown as point "E" on the attached map thence running in a generally south-westerly direction for a distance of approximately 141 metres to a point where it has a junction with that part of the said unrecorded Public Footpath in the Parish of Carlyon to be retained approximately 102 metres west-north-west of the building known as "The Beach Sale Site" at OSGR SX 0540/5212 shown as point "D" on the attached map thence running in a generally north-westerly direction for a distance of 12 metres to a point where it has a junction with that part of Public footpath number 1 Carlyon to be retained approximately 113 metres west-north-west of the building known as "The Beach Sale Site" at OSGR SX 0539/5212 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 No. 1, CARLYON (PART)
AND AN UNRECORDED PUBLIC FOOTPATH)
(OVERFLOW CAR PARK AT BEACH ROAD, CARLYON BAY)
STOPPING UP AND DIVERSION ORDER 2015

Footpath No.1
Carlyon CP retained

Footpath No.3
Carlyon CP retained

Footpath No.1
Carlyon CP to be diverted

Unrecorded Footpath
Carlyon CP to be stopped-up

Alternative Footpath to be created

Unrecorded Footpath
(SWCP NT)
Carlyon CP retained

Footpath No.4
(SWCP NT)
Carlyon CP retained

The Beach Sale Site

KEY

SCALE
1:1,250

Footpath to be Retained

Footpath to be Diverted (A to B)

Footpath to be stopped up (C to D)

Footpath to be created (E to F)

The text in the diagram describes the features mentioned in the title. The map illustrates the areas affected by the stopping up and diversion order, including footpaths and their status as retained, diverted, or stopped-up.
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SECTION 257

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STOPPING UP AND DIVERSION ORDER 2015

MADE BY CORNWALL COUNCIL ON:

05 OCT 2015

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. 1, CARLYON (PART)
AND AN UNRECORDED PUBLIC FOOTPATH)
(OVERFLOW CAR PARK AT BEACH ROAD, CARLYON BAY)
STOPPING UP AND 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 4th day of December 2014

[Signature]

Countryside Access Team Leader
Cornwall Council