



Milly Southworth
Clerk to Torpoint Town Council
1 - 3 Buller Road
Torpoint
Cornwall
PL11 2LD

Your ref:
My ref: RS/CAT/HAE020/MKE
Date: 18 January 2024

Dear Milly

**Proceedings under the Highways Act 1980; Preliminary Consultations
Proposed Extinguishment of Part of Public Footpath 639/3
At “Trematon Close” in the Parish of Torpoint CP**

Introduction

The Countryside Access Team is processing a proposal for the extinguishment of part of Public Footpath Number 3 in the Parish of Torpoint under section 118 of the Highways Act 1980. The proposal is being processed because of the failure of a predecessor authority to complete the diversion of the relevant part of the public footpath at the time that the properties on ‘Trematon Close’ were constructed. At the current time, our opinion is that the affected part of the path is not needed for public use, there being other alternative paths available for the public to use as an alternative.

The purpose of this letter is to carry out informal consultations which will inform the Council’s decision on whether an Order should be made and whether the Order, if made, should be confirmed. A plan of the proposal is attached for your information.

Schedule of Proposals

Description of Way to be Extinguished				
Section to be Extinguished	“START POINT”	“FINISH POINT”	Length of Section	Shown As
Part FP 3 Torpoint	At County Road OSGR SX 42396/55547 (Point A on plan)	At FP 13 to be retained at OSGR SX 42445/55507 (Point B on plan)	64 metres	Bold RED line on Map A to B

Limitations: None	
Width of Existing Path	Details of "Definition" of Existing Path
Average Width: 3'0" Minimum Width: 4'0"	Location: FP from Trevol Road to Borough Hill Top (FP 2)

Information about Provided Maps
The PLAN is provided at 1:1250 scale and it is considered to illustrate the effect of the proposal sufficiently clearly for the purpose of preliminary consultations.

Technical Matters

Should Cornwall Council decide to exercise its power to make an Order under the Highways Act then the Extinguishment Order would be made on the grounds that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use. In deciding whether to make an Order, the Council will also consider whether the made Order would be capable of confirmation when measured against the tests in section 118(2) of the Highways Act 1980. These tests are satisfied if it is expedient to confirm the Order having regard to the extent (if any) to which it appears that the path or way would, apart from the order, be likely to be used by the public and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way.

The existing path described in the proposal is a highway maintainable at public expense. The rights of Statutory Undertakers in respect of land where it is proposed to stop up a right of way will be preserved by the standard provisions in the articles of the made Order.

It is possible for consultees who wish to visit the site to observe the site of the existing footpath from nearby highways and footways

Conclusion

Before Cornwall Council determines whether or not to exercise its power to make any Order as set out in the above proposals, it is helpful to consult with all interested parties to gauge the likely public response.

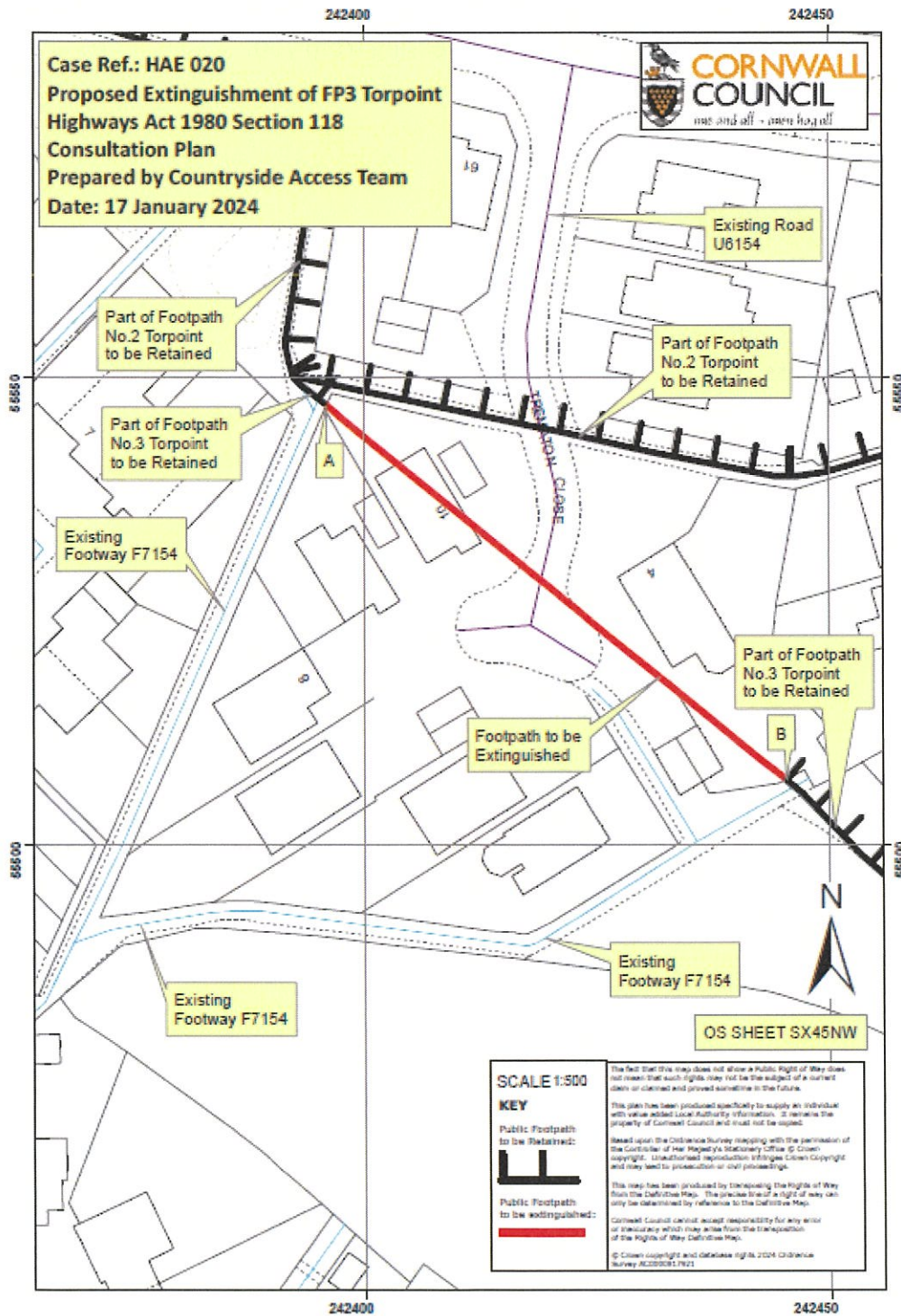
I am writing to seek your views and I would be grateful if you would complete and return the response slip below and return it to publicpathorders@cornwall.gov.uk before Friday 16 February 2024. If I do not hear from you by that date, I will presume that you have no objection to the proposal. I look forward to hearing from you.

Yours faithfully

M.K. Eastwood

Mike Eastwood
Public Path Orders officer
Countryside Access Team
Tel: 01872 322222 (and ask for Mike Eastwood)
Email: mike.eastwood@cornwall.gov.uk

MAP NOT TO SCALE



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