

Agenda 16a)

COUNCIL  
18/04/24  
Information Classification: CONTROLLED



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

**Your ref:**  
**My ref:** RS/CAT/MKE/HAE020  
**Date:** 27 March 2024

Dear Milly,

**Making of Public Path Order**  
**Highways Act 1980 – Section 118**  
***The Cornwall Council Public Footpath No. 3 Torpoint (Part) (Trematon Close, Torpoint)***  
***Public Path Extinguishment Order 2024***  
**Land at Trematon Close, PL12 4RY**  
**Torpoint CP**

The abovementioned order was made by Cornwall Council on 12 March 2024. As required by Paragraph 1 of Schedule 6 to the Highways Act 1980 Cornwall Council hereby gives notice of the making of the Order.

A copy of the required Notice and a copy of the Order as made are enclosed. Please note that any representations about or objections to the Order must be sent to Cornwall Council at the address given in the notice no later than 26 April 2024.

A Statement of Reasons in respect of the Order that explains the Council's decision to exercise its power to make a Public Path Order is enclosed.

Yours sincerely

*M.K. Eastwood*

Mike Eastwood  
Public Path Orders Officer  
**Environment Service**  
Tel: 0300 1234 202  
Email: [mike.eastwood@cornwall.gov.uk](mailto:mike.eastwood@cornwall.gov.uk)

## HIGHWAYS ACT 1980

## CORNWALL COUNCIL

### **The Cornwall Council Public Footpath No. 3 Torpoint (Part) (Trematon Close, Torpoint) Public Path Extinguishment Order 2024**

TO: Milly Southworth

OF: Clerk to Torpoint Town Council  
1 - 3 Buller Road  
Torpoint  
Cornwall  
PL11 2LD

The above Order made on 12 March 2024 under section 118 of the Highways Act 1980 will if confirmed extinguish the public footpath commencing at a point where it has a junction with another part of Public Footpath 3 Torpoint to be retained approximately 44 metres north-west of '4 Trematon Close' at Ordnance Survey Grid Reference (OSGR) SX 42396/55547 (point A on the Order Map) and continuing in a generally south-easterly direction for 64 metres and terminating at a point where it has a junction with another part of Public Footpath 3 Torpoint to be retained approximately 22 metres south-east of '4 Trematon Close' at OSGR SX 42445/55507 (point B on the Order Map) as shown on the Order Map.

A copy of the Order and the Order Map may be downloaded from Cornwall Council's website at <https://www.cornwall.gov.uk/environment/countryside/public-path-orders/made-public-path-orders/> and have also been placed and may be seen free of charge at Torpoint Library and Information Service, Fore Street, Torpoint PL11 2AG between the hours of 9:15 am and 4:30 pm Mondays to Fridays inclusive, between the hours of 10:00 am and 12:00 pm on Saturday 13 April 2024, and between the hours of 10:00 am to 2:00 pm on Sunday 31 March 2024 (except for Bank and Public Holidays). Alternatively, copies of the Order and Order map may be obtained free of charge from [publicpathorders@cornwall.gov.uk](mailto:publicpathorders@cornwall.gov.uk).

Compensation for depreciation or damage for disturbance arising as a result of the coming into force of the Order is payable under section 28 as applied by section 121(2) of the

Highways Act 1980 (as amended by the Transport and Works Act 1992) which is copied with this notice.

Any representation about or objections to the Order may be sent in writing to the “Public Path Orders Officer” at Cornwall Council, Countryside Access Team, P O Box 676, Threemilestone, Truro TR1 9EQ or by email to [publicpathorders@cornwall.gov.uk](mailto:publicpathorders@cornwall.gov.uk) (quoting reference HAE 020) not later than Friday 26 April 2024. Please state the grounds on which they are made.

If no such representations or objections are duly made, or if any so made are withdrawn, then Cornwall Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for Environment, Food and Rural Affairs for confirmation any representations or objections which have not been withdrawn will be sent with the Order.

27 March 2024

**Sophie Hosking**  
**STRATEGIC DIRECTOR FOR NEIGHBOURHOODS**

## **HIGHWAYS ACT 1980 SECTION 28**

### **Compensation for loss caused by path creation order**

- (1) Subject to the following provisions of this section, if on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.
- (2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Secretary of State, and shall be made to the authority by whom the order was made.
- (3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2) above, references to this section to the authority by whom the order was made are to be construed as references to one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of that subsection.
- (4) Nothing in this section confers on any person, in respect of a footpath, bridleway or restricted byway created by a public path creation order, a right to compensation for depreciation of the value in an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been effected otherwise than in exercise of statutory powers.
- (5) In this section 'interest', in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

## **HIGHWAYS ACT 1980 SECTION 121(2)**

(As amended by Transport and Works Act 1992 and Countryside and Rights of Way Act 2000)

Section 28 above (compensation for loss caused by public path creation order) applies in relation to public path extinguishment orders, rail crossing extinguishment orders, special extinguishment orders rail crossing diversion orders, special diversion orders and SSSI diversion orders as it applies in relation to public path creation orders but as if:

- (a) the references in it to section 26(2) above were references to section 120(3) above, and
- (b) in relation to special extinguishment orders and special diversion orders and SSSI diversion orders, the reference in section 28(4) to a footpath, bridleway or restricted byway included a reference to a highway over which the public have a right of way for vehicular and other kinds of traffic.



**PUBLIC PATH EXTINGUISHMENT ORDER**

**HIGHWAYS ACT 1980 SECTION 118**

**CORNWALL COUNCIL**

**THE CORNWALL COUNCIL PUBLIC FOOTPATH No. 3 TORPOINT (PART)  
(TREMATON CLOSE, TORPOINT)  
PUBLIC PATH EXTINGUISHMENT ORDER 2024**

THIS ORDER is made by Cornwall Council ("the Authority") under Section 118 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that the Public Footpath described in paragraph 1 below is not needed for public use.

BY THIS ORDER

1. A length of Public Footpath over the land shown by a continuous solid bold black line on the attached map and described in the Schedule to this Order ("the Schedule") shall be Extinguished on 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. This Order may be cited as, "The Cornwall Council Public Footpath No. 3 Torpoint (Part)(Trematon Close, Torpoint) Public Path Extinguishment Order 2024".

GIVEN under the Common Seal of the Council this 12<sup>th</sup> day of March 2024

EXECUTED as a Deed by affixing  
THE COMMON SEAL OF THE )  
CORNWALL COUNCIL )  
In the presence of:- )

[Redacted signature]

Authorised signatory



070937

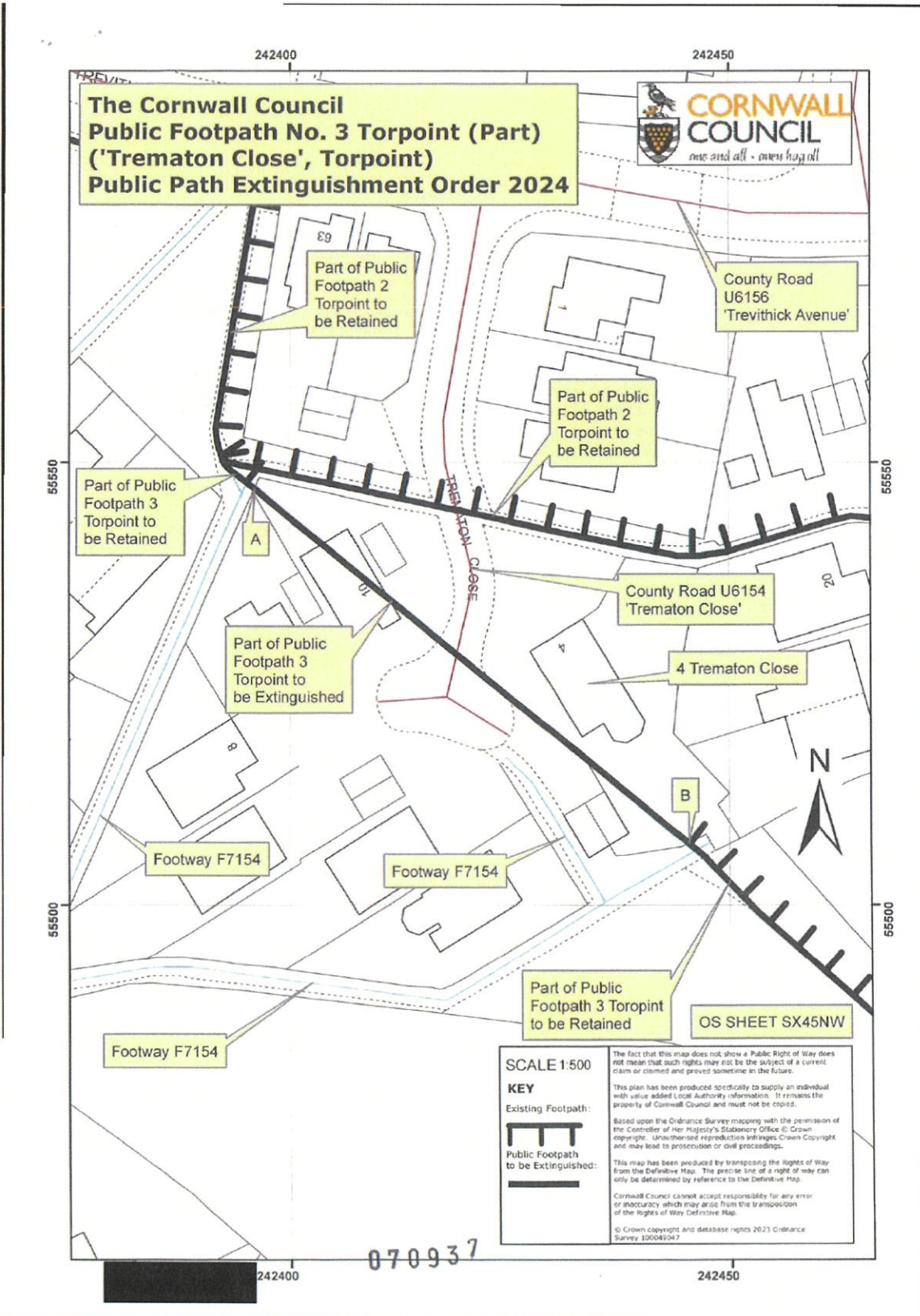
## SCHEDULE

### DESCRIPTION OF SITE OF PATH OR WAY TO BE EXTINGUISHED

A length of Public Footpath 3 Torpoint commencing at a point where it has a junction with another part of Public Footpath 3 Torpoint to be retained approximately 44 metres north-west of '4 Trematon Close' at Ordnance Survey Grid Reference (OSGR) SX 42396/55547 and shown as point "A" on the attached map and continuing in a generally south-easterly direction for 64 metres and terminating at a point where it has a junction with another part of Public Footpath 3 Torpoint to be retained approximately 22 metres south-east of '4 Trematon Close' at OSGR SX 42445/55507 and shown as point "B" on the attached map.

The Definitive Statement records an average width of 3'0" (Three Feet) for the affected part of Public Footpath 3 Torpoint. For the avoidance of doubt the intention of the order is to stop up the length of highway described above in its entirety.

Map Not to Scale





**PUBLIC PATH EXTINGUISHMENT ORDER**

**THE HIGHWAYS ACT 1980  
SECTION 118**

**THE CORNWALL COUNCIL  
PUBLIC FOOTPATH No. 3 TORPOINT (PART)  
(TREMATON CLOSE, TORPOINT)  
PUBLIC PATH EXTINGUISHMENT ORDER 2024**

**MADE BY CORNWALL COUNCIL ON:**

*12<sup>th</sup> March 2024*



**CORNWALL COUNCIL**

**REGULATORY SERVICES, COUNTRYSIDE ACCESS TEAM**

**STATEMENT OF REASONS FOR MAKING OF ORDER**

**HIGHWAYS ACT 1980 SECTION 118**

**THE CORNWALL COUNCIL PUBLIC FOOTPATH NO. 3 TORPOINT (PART) (TREMATON CLOSE, TORPOINT) PUBLIC PATH EXTINGUISHMENT ORDER 2024**

**FILE REF: HAE 020**

Under the Highways Act 1980, local authorities have the power to make Orders to create, divert and extinguish public rights of way. A notice that an Order has been made has to be advertised on the site in question and in the local press. This provides an opportunity for the public to make representations or objections to the proposed change.

On 12<sup>th</sup> March 2024 Cornwall Council made an Order to extinguish part of Public Footpath No. 3 Torpoint at Trematon Close in Torpoint. This statement has been prepared to explain various aspects of the Order.

**THIS STATEMENT DOES NOT FORM PART OF THE ORDER**

The authority made the Order for the following reasons...

The Order was made to rectify an error caused by the failure of a predecessor authority to complete the diversion of the relevant part of the public footpath around the time that the properties on 'Trematon Close' were constructed. The Council considers that the affected part of the footpath is not needed for public use, there being other paths available for the public to use as an alternative.

27 March 2024

**End of Document**