

Milly Southworth

From: Torpoint Town Council <admin@torpointtowncouncil.gov.uk>
Sent: 16 May 2024 11:44
To: Milly Southworth; Phil Griffiths
Subject: FW: Notice of Confirmation of 'The Cornwall Council Public Footpath No. 3 Torpoint (Part) (Trematon Close, Torpoint) Public Path Extinguishment Order 2024'
Attachments: HAE 020 CONF ORDER.pdf

Harriet Bastin
Torpoint Town Council Support Officer
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w. www.torpointtowncouncil.gov.uk
a. 1-3 Buller Road Torpoint Cornwall PL11 2LD

-----Original Message-----

From: Mike Eastwood <Mike.Eastwood@cornwall.gov.uk>
Sent: 15 May 2024 16:54
To: Milly Southworth <admin@torpointtowncouncil.gov.uk>
Subject: Notice of Confirmation of 'The Cornwall Council Public Footpath No. 3 Torpoint (Part) (Trematon Close, Torpoint) Public Path Extinguishment Order 2024'

Dear Consultee

Please find attached correspondence from Cornwall Council concerning the confirmation of 'The Cornwall Council Public Footpath No. 3 Torpoint (Part) (Trematon Close, Torpoint) Public Path Extinguishment Order 2024' on 30 April 2024 and comprising of:

1. A Personal Letter dated 15 May 2024 addressed to yourself;
2. A Personal Notice dated 15 May 2024 advertising the confirmation of 'The Cornwall Council Public Footpath No. 3 Torpoint (Part) (Trematon Close, Torpoint) Public Path Extinguishment Order 2024';
3. Copy Extracts of the Highways Act 1980 Sections 28 and 121(2);
4. A copy of 'The Cornwall Council Public Footpath No. 3 Torpoint (Part) (Trematon Close, Torpoint) Public Path Extinguishment Order 2024' as confirmed.

Please take the opportunity to read the documents. Applications to the High Court must be made by 26 June 2024.

Yours faithfully

Mike Eastwood



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

Your ref:
My ref: RS/CAT/MKE/HAE 020
Date: 15 May 2024

Dear Milly,

Confirmation 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’, Torpoint PL12 4RY
Torpoint CP

The abovementioned Order was made by Cornwall Council on 12th March 2024. The Order was subsequently confirmed by Cornwall Council as an unopposed Order on 30th April 2024. As required by Schedule 6 Part II Paragraph 4(1) to the Highways Act 1980 Cornwall Council hereby gives notice of the confirmation of the Order.

A copy of the required notice and a copy of the Order as confirmed are enclosed together with extracts of sections of the Highways Act 1980 as referred to in the notice. Please note that any applications to the High Court in respect of the validity of the Order must be made in the required manner within six weeks of the date of the notice.

Yours sincerely

Mike Eastwood

M.K. Eastwood
Public Rights of Way Officer
Regulatory Services
Tel: 01872 322222 (ask for Mike Eastwood)
Email: 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

On 30 April 2024, Cornwall Council confirmed the above Order made under section 118 of the Highways Act 1980. The effect of the Order as confirmed is to extinguish part 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 (shown as 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 (shown as 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/confirmed-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 the second Saturday of each month, and between the hours of 10:00 am to 2:00 pm on the last Sunday of each month (except for Bank and Public Holidays). Alternatively, copies of the Order and Order map may be obtained free of charge by writing to publicpathorders@cornwall.gov.uk.

Any person who wishes to claim compensation under Section 28 as applied by section 121(2) of the 1980 Act for depreciation or damage for disturbance arising as a result of the coming into force of the Order must make a claim in writing, addressed to the Interim Countryside Access Team Leader, Cornwall Council, P O Box 676, Threemilestone, Truro TR1 9EQ [quoting Reference HAE 020], and serve it by delivering it at, or sending it by prepaid post to that address not later than six months after the date on which the Order comes into force. Copies of the sections (as amended by the Transport and Works Act 1992) are attached.

The Order came into force on the date on which the Order was confirmed, but if any person aggrieved by the Order wants to question its validity, or that of any provision contained in it, on the ground that that it is not within the powers of the Highways Act 1980, as amended, or on the ground that any requirement of the Act has not been complied with in relation to the Order, he or she may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within six weeks from the date of this Notice, make application to the High Court.

15 May 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.

HAE 20
IDENT 1561

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 ^{12th} day of ^{March} 2024

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

Authorised Signatory



070938

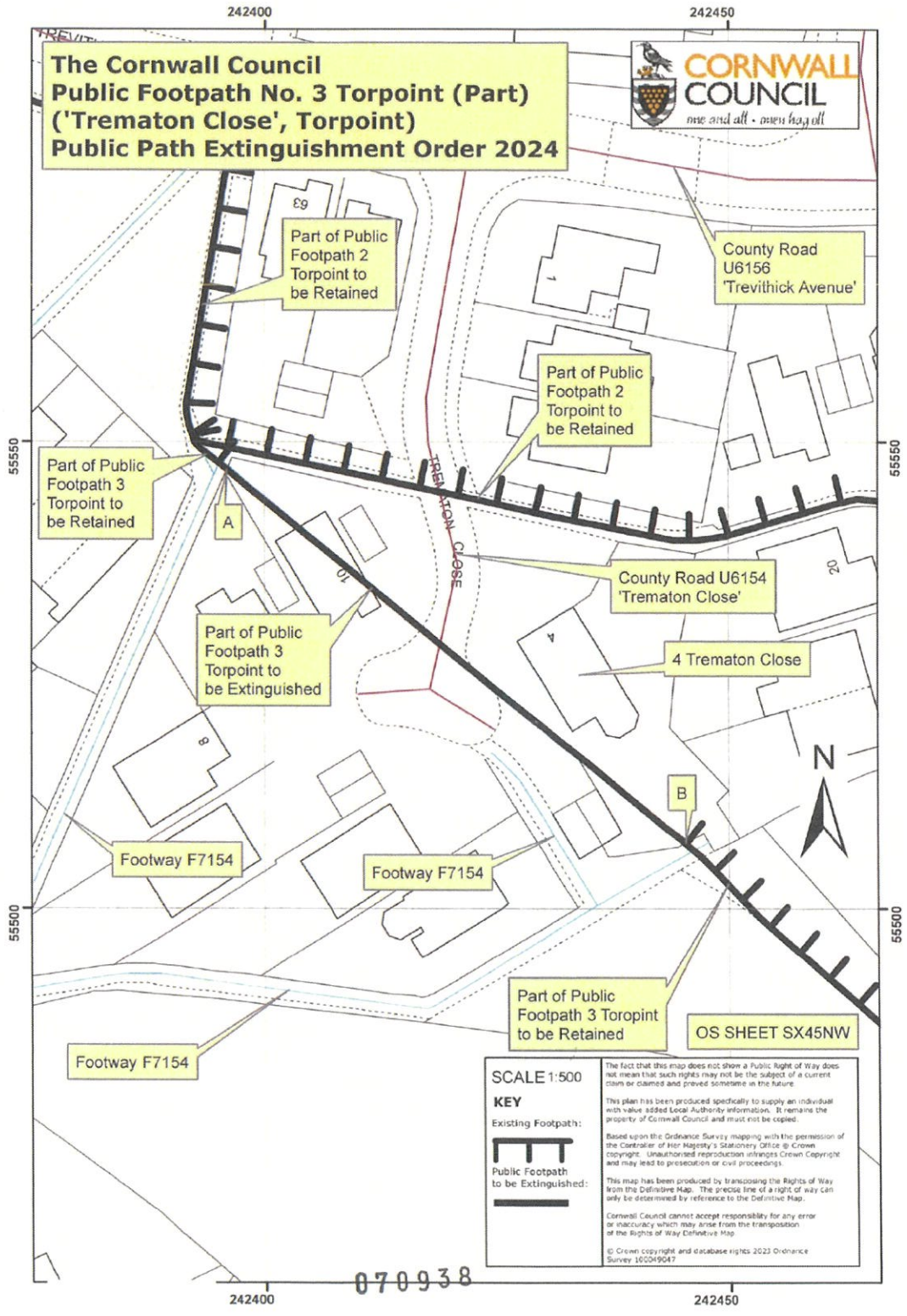
SCHEDULE

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:

12th March 2024

**This Order was
confirmed on
30th April 2024
as an unopposed Order**

**Authorised Officer:
Cornwall Legal Services
Cornwall Council**

