



Mr Andrew Curtis
Clerk to Newquay Town Council
Municipal Offices
Marcus Hill
Newquay
Cornwall
TR7 1AF

Your

ref:

My ref:

Date:

RS/CAT/HAD294/MKE

5th September 2024

Dear Andrew

Proceedings under Sections 119A of the Highways Act 1980

Preliminary Consultations

**Proposed Scheme: Diversion of Part of Public Footpath 63 and an unrecorded Public Footpath in Newquay at Trencreek
Newquay CP and Colan CP**

Introduction

Cornwall Council has received an application for a Rail Crossing Diversion Order from Network Rail with a proposal to divert part of Public Footpath 63 Newquay and an unrecorded public footpath in the town of Newquay at Trencreek as shown on the attached Proposal Plan. Network Rail has put forward this proposal as part of a scheme to improve public safety on the railway and is part of a wider project associated with the Mid Cornwall Metro project, the construction of the Newquay Strategic Route and the closure of the level crossing on Trencreek Lane to all vehicles whilst retaining the crossing for access by pedestrians, cyclists and horse-riders via a Miniature Stop Light (MSL) system. The MSL will offer enhanced safety features for users compared with the existing crossing for pedestrians using Footpath 63 Newquay.

The purpose of this letter is to carry out informal consultations about the proposed diversion. Whether Cornwall Council proceeds to make a Rail Crossing Diversion Order will depend upon an assessment of the consultation responses. In the light of the responses, the Council will make an evaluation of how the proposal measures against the requirements of section 119A of the Highways Act 1980 and the tests therein for the making and confirmation of a Public Path Railway Crossing Order. If the Council supports the proposal, then the next step will be for the Council to make an Order. Notice of the making of the Order will be served and there will then be a four-week statutory period for making objections to and representations about the Order. If the Order is unopposed (ie not subject to objections made during the statutory period) then the Council can confirm

P O Box 676, Threemilestone, Truro, Cornwall TR1 9EQ

E: countrysideaccess@cornwall.gov.uk | T: 0300 1234 202

www.cornwall.gov.uk

the Order. If it is opposed, then the Council can seek confirmation of the Order by the Secretary of State for Environment Food and Rural Affairs.

Making and confirming unopposed Rail Crossing Diversion Orders is a function performed by the Council as part of its wider discretionary powers to make and confirm unopposed Public Path Orders. In the case of Rail Crossing Diversion Orders and Rail Crossing Extinguishment Orders, the Council is obliged to either confirm an order or submit it to the Secretary of State for confirmation within 6 months of the date of application by Network Rail.

The Proposal

The effect of the diversion proposal will be to extinguish part of the existing Public Footpath 63 Newquay and the whole of a section of unrecorded public footpath as shown by a solid red line on the accompanying plan. The proposed alternative public footpath which will be created by the diversion proposal is shown by a solid blue line on the plan.

Description of Ways to be Extinguished:				
The Existing Public Footpath 63 Newquay and Unrecorded Public Footpath				
Sections to be Extinguished	"START POINT"	"FINISH POINT"	Length of Section	Shown As
Part of Public Footpath 63 in Newquay	Part of Footpath 63 Newquay to be retained at OSGR SX 82848/60742 POINT A on Proposal Plan	Unrecorded Public Footpath in Newquay at OSGR SX 82860/60783 POINT B on Proposal Plan	42m	Bold Red line A to B
Section of unrecorded Public Footpath in Newquay	Part of Footpath 63 Newquay to be extinguished at OSGR SX 82860/60783 POINT B on Proposal Plan	County Road C0181 (Trencreek Lane) at SX 82881/60841 POINT C on Proposal Plan	65m	Bold Red line B to C

Description of Way to be Created: Proposed Alternative Public Footpath				
Section to be Created	“START POINT”	“FINISH POINT”	Length of Section	Shown As
New section of Public Footpath	Part of Footpath 63 Newquay to be retained at OSGR SX 82848/60742 POINT A on Proposal Plan	County Road C0181 (Trencreek Lane) at OSGR SX 82944/60788 POINT D on Proposal Plan	107 m	Bold Blue line A to D

Width of Way to be Dedicated
It is proposed that the footpath will be 2.0 metres in width throughout (where this is achievable).
Limitations and Conditions
It is proposed that the path will have one pedestrian gate at point D.
The Proposal Plan
The plan is provided at 1:1.250 scale and it is considered to illustrate the effect of the proposal sufficiently clearly for the purpose of preliminary consultations.

Technical Matters

The proposed alternative footpath will have a natural surface. Cornwall Council has agreed to maintain the public footpath as part of its general responsibility for the maintenance of public highways.

Any existing rights of Statutory Undertakers in respect of land where it is proposed to extinguish part of Footpath 63 in Newquay and the unrecorded public footpath will be preserved by a clause written into the Articles of the proposed Rail Crossing Diversion Order.

Landowners who are adversely affected by an operative Order made under the provisions of Section 119A of the Highways Act 1980 may be eligible for receipt of a compensation payment from the Council under the terms of section 28 of the Highways Act 1980 (as applied by section 121 of the Act).

Presently it is considered that members of the public can view the line of the existing part of Footpath 63 in Newquay and the unrecorded public footpath and that they can view the line of the proposed footpath dedication from locations on Footpaths 63 and 75 in Newquay together with locations on County Road C0181 (Trencreek Lane).

Conclusion

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

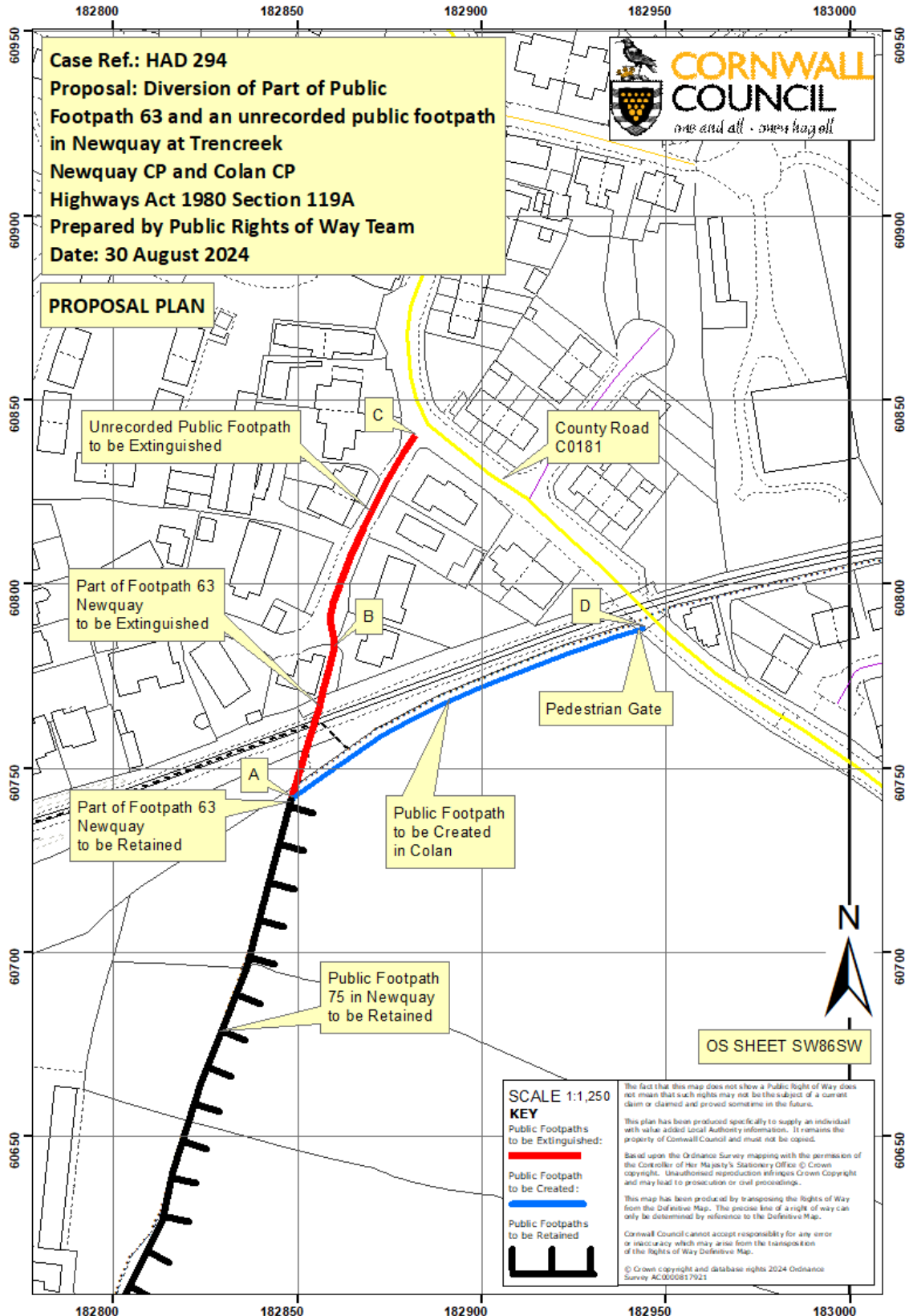
I am writing to seek your views and I would be grateful if you would complete and return the enclosed decision slip or email it to publicpathorders@cornwall.gov.uk below before Friday 4th October 2024. If we do not hear from you by then we will assume that you have no objection to the proposals.

Yours faithfully,

Mike Eastwood

Mike Eastwood
Public Rights of Way Officer
Public Rights of Way Team
Email: Mike.Eastwood@cornwall.gov.uk
Phone: 0300 1234 202 (ask for Mike Eastwood)

MAP NOT TO SCALE



To: Public Rights of Way
Team
Cornwall Council
P O Box 676,
Threemilestone,
Truro
TR1 9EQ

From: Mr Andrew Curtis
Clerk to Newquay Town Council
Municipal Offices
Marcus Hill
Newquay
Cornwall
TR7 1AF

**Diversion of Part of Public Footpath 63 and an unrecorded Public Footpath in Newquay
at Trencreek in Newquay
FILE REFERENCE: HAD 294**

I acknowledge receipt of your consultation relating to the above Public Path Order.

**PLEASE TICK
AS APPROPRIATE**

I have no objection to the proposal as set out
in your letter of 5th September 2024

☐

I object to the proposal as set out in your letter of
5th September 2024 for the following reasons:-

☐

.....
.....
.....
.....
.....
.....
.....
.....

Signed:

(PRINT NAME)

Date: