



Mr Steve Vinson
Clerk to Liskeard Town Council
3-5 West Street
Liskeard
Cornwall
PL14 6BW

Your ref:

My ref:

RS/CAT/MKE/HAE022

Date:

19 March 2025

Dear Steve,

Making of Public Path Order

Highways Act 1980 – Section 118

The Cornwall Council Public Footpath No. 3 Liskeard Public Path Extinguishment Order 2025

Land on north side of Lake Lane, PL14 3XB

Liskeard CP

The above Order was made by Cornwall Council on 11th March 2025. 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 Friday 18th April 2025.

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

Yours sincerely

M. K. Eastwood

Mike Eastwood

Public Rights of Way Officer

Regulatory Services

Tel: 0300 1234 202

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Cornwall Council | Konsel Kernow

Public Rights of Way Team, P O Box 676, Threemilestone, Truro TR1 9EQ

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HIGHWAYS ACT 1980

CORNWALL COUNCIL

The Cornwall Council Public Footpath No. 3 Liskeard Public Path Extinguishment Order 2025

TO: Mr Steve Vinson

OF: Clerk to Liskeard Town Council
3-5 West Street
Liskeard
Cornwall
PL14 6BW

The above Order made on 11 March 2025 under section 118 of the Highways Act 1980 will if confirmed extinguish the public footpath commencing at a point approximately 35 metres north of 'The Beeches' at Ordnance Survey Grid Reference (OSGR) SX 25883/64503 shown as point "A" on the order map and continuing in a generally east-south-easterly direction for 275 metres and terminating at a point approximately 267 metres east of 'The Beeches' at OSGR SX 26152/64445 shown as point "B" 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 Liskeard Library and Information Service, Barras Street, Liskeard PL14 6AB between the hours of 08:30 and 17:30 on Mondays to Wednesdays inclusive and Fridays; between the hours of 08:30 and 19:30 on Thursdays, and between the hours of 10:00 to 16:00 on Saturdays (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.

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 Rights of Way Officer” at Cornwall Council, Public Rights of Way Team, P O Box 676, Threemilestone, Truro TR1 9EQ or by email to publicpathorders@cornwall.gov.uk (quoting reference HAE 022) not later than Friday 18 April 2025. 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.

Sophie Hosking
STRATEGIC DIRECTOR FOR NEIGHBOURHOODS

19 March 2025

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 LISKEARD
PUBLIC PATH EXTINGUISHMENT ORDER 2025**

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 Liskeard Public Path Extinguishment Order 2025".

GIVEN under the Common Seal of the Council this 11th day of March 2025

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

████████████████████
Authorised signatory
████████████████████

073757



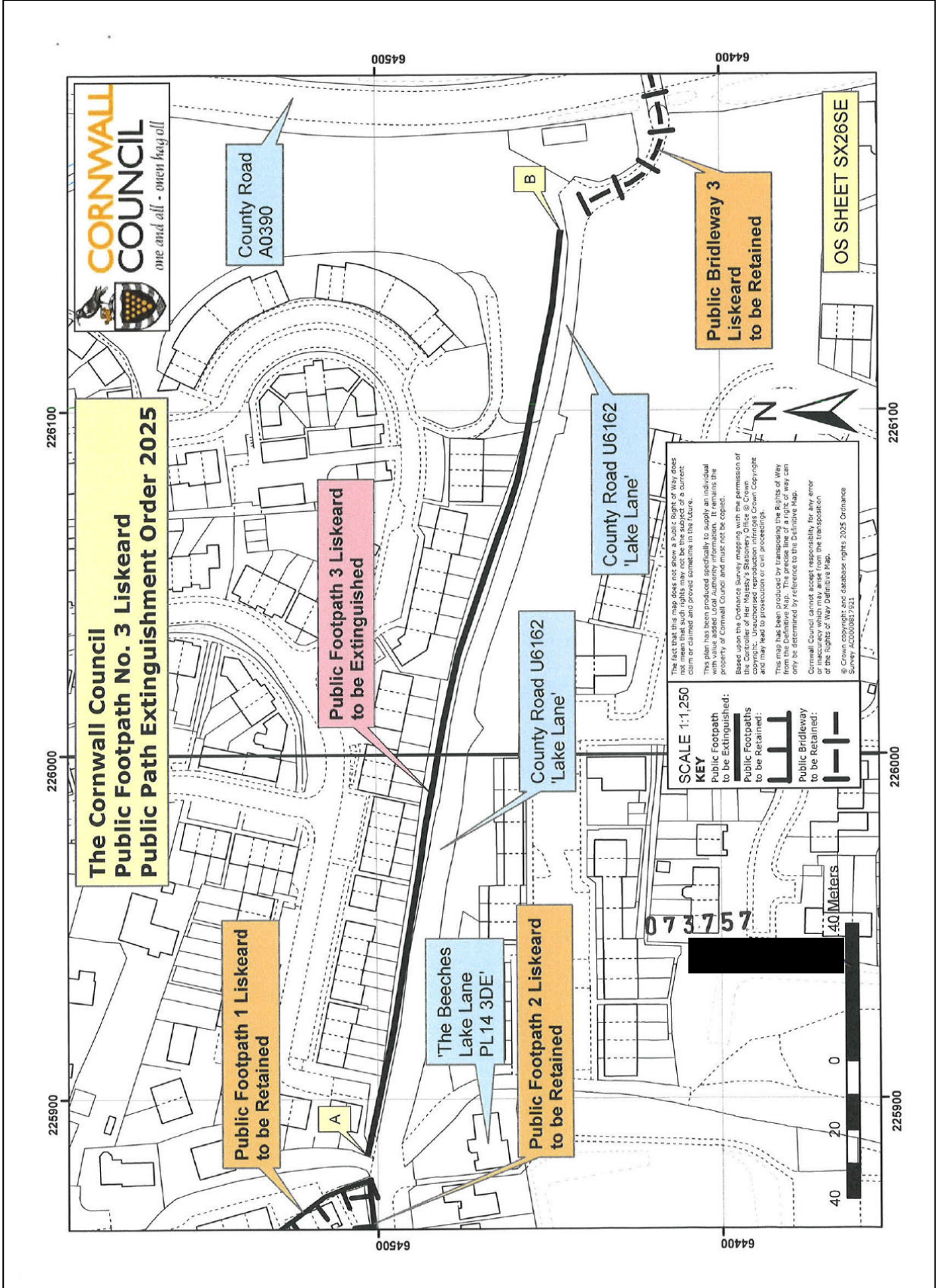
SCHEDULE

DESCRIPTION OF SITE OF PATH OR WAY TO BE EXTINGUISHED

The whole of Public Footpath 3 Liskeard commencing at a point approximately 35 metres north of 'The Beeches' at Ordnance Survey Grid Reference (OSGR) SX 25883/64503 shown as point "A" on the attached map and continuing in a generally east-south-easterly direction for 275 metres and terminating at a point approximately 267 metres east of 'The Beeches' at OSGR SX 26152/64445 shown as point "B" on the attached map.

The Definitive Statement records no information about the width of Public Footpath No. 3 Liskeard. For the avoidance of doubt the intention of the order is to stop up the length of footpath described above in its entirety.

MAP NOT TO SCALE



PUBLIC PATH EXTINGUISHMENT ORDER

**HIGHWAYS ACT 1980
SECTION 118**

**THE CORNWALL COUNCIL
PUBLIC FOOTPATH No. 3 LISKEARD
PUBLIC PATH EXTINGUISHMENT ORDER 2025**

MADE BY CORNWALL COUNCIL ON:

11 March 2025.



Public Rights of Way Team

File Reference: HAE 022

Order Title: The Cornwall Council Public Footpath No. 3 Liskeard Public Path Extinguishment Order 2025

Statement of Reasons

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Introduction

This statement has been prepared to explain the reasons for the making of a Public Path Extinguishment Order to extinguish Public Footpath 3 Liskeard.

Under the Highways Act 1980, Local Authorities have the power to make orders to create, divert and extinguish public rights of way. In determining to make the above Order, Cornwall Council considered the legislative tests for the making of the Order as well as the legislative tests for confirmation of the Order. On 11th March 2025 Cornwall Council made the Order under the powers conferred by section 118 of the Highways Act 1980.

Statutory notices describing the effect of the made Order are included with this statement and have also been advertised on site and in the local press. The advertising provides an opportunity for the public to make representations about or objections to the Order.

Background

The effect of this Extinguishment Order, if confirmed, is to extinguish Public Footpath 3 Liskeard where it crosses land which is located between new housing and 'Lake Lane' in the parish of Liskeard. This Order deals solely with Public Footpath 3 Liskeard as shown on the Order plan and proposes no change to the line or status of Lake Lane, which will remain an unclassified road if this Order is confirmed.

Assessment

In determining to make the above Order, Cornwall Council assessed the proposal against the tests in section 118 of the Highways Act 1980 for the making and confirmation of a public path extinguishment order. The tests are set out in bold text and the Council's assessment of the proposal against the tests is set out in plain text below.

Tests for the Making of an Order

Test: Where it appears to the Order Making Authority that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use then they may make a Public Path Extinguishment Order.

It is considered that the section of footpath that is proposed to be extinguished is not needed for public use as users have an alternative highway (Unclassified Road U6162 "Lake Lane" in Liskeard) that they can use as a substitute for Footpath 3 Liskeard running parallel and immediately adjacent along its whole length. Since the houses were constructed on the northern side of "Lake Lane" there is no evidence to show that the path has been used and any physical evidence of the path has disappeared.

When Considering the Confirmation of the Order

Test: Before Confirming an Order as unopposed the Order Making Authority should be satisfied that it is expedient to do so having regard to the extent (if any) to which it appears to them that the path would, apart from the order, be likely to be used by the public.

It is considered that Public Footpath 3 Liskeard will not be used by the public in the future as it difficult to access and there is a convenient alternative route serving exactly the same purpose nearby. Therefore, it is considered that it would be expedient to confirm an Order to extinguish the path.

Test: The Order Making Authority should also have regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way.

There is no evidence to show that the section of footpath that is proposed to be extinguished provides existing access to property, land or places of interest along its length. Furthermore, it is highly unlikely that the public would use the path to gain access to land or property because it is difficult to access.

Test: In respect of the final two tests above the provisions as to compensation shall be taken into account.

Given the location of the path proposed to be stopped up, it is not considered that compensation would be payable. There is no evidence that residents who back on to “Lake Lane” are using the path as a rear access to their properties. The site owners who are seeking the extinguishment of the path would be unlikely to claim compensation should an Order be made and come into force.

Conclusion

The Council concluded that it was expedient to make the Order as the proposal met the tests set out in section 118 of the Highways Act 1980 for the making and confirmation of the Order. It was for these reasons that the Council determined to make the Extinguishment Order.

Dated: 19th March 2025