



John Hesketh  
 Clerk to Menheniot Parish Council  
 Lambest Cottage  
 Menheniot  
 Liskeard  
 Cornwall  
 PL14 3RE

**Your ref:**

**My ref:** RS/CAT/TAD131/MKE

**Date:** 15 February 2024

Dear Mr Hesketh,

- (1) **Town and Country Planning Act 1990 Section 257 | Proposed Diversions of Parts of Public Footpaths 15 & 19 Menheniot associated with planning application PA22/06825 | Land at Tencreek Farm Haviland Road Liskeard Cornwall PL14 3PS**
- (2) **Highways Act 1980 Section 119 | Proposed Diversion of part of Public Footpath 15 Menheniot | Land at Premier Travel Inn Haviland Road Liskeard Cornwall PL14 3FG**

### **Preliminary Consultation Only**

The purpose of this consultation is to welcome and assess any comments that you may have on the footpath diversion proposals contained therein. Please ensure that your comments are received by the Authority at the Truro address by **Friday 15<sup>th</sup> March 2024**.

A hybrid planning application (PA22/06825) for the "development of land for employment-generating uses" has been received by the Council that would affect the line and setting of Public Rights of Way in the environs of the proposed development. The Rights of Way affected are Footpaths 15 & 19 Menheniot.

In association with the proposal to divert Footpaths 15 & 19 Menheniot in connection with Planning Application PA22/06825, Cornwall Council also proposes to divert another part of Footpath 15 Menheniot where it crosses land forming part of the Premier Travel Inn, Haviland Road, Liskeard, Cornwall PL14 3FG.

**The purpose of this preliminary consultation letter is solely to invite feedback concerning the changes to the public rights of way which are proposed should a decision be made to grant planning permission for the development. The consultation does not in any way seek to pre-empt such a decision.**

If planning permission is granted for a development, then under Section 257 of the Town and Country Planning Act 1990 the Council may make an Order to divert and stop-up public rights of way if it is satisfied that it is necessary to do so to enable the development to be carried out. Such orders are subject to a statutory procedure including public advertisement and the right to make objection. Orders do not come into effect until they are confirmed by the order making authority (if an order is

Cornwall Council | Konsel Kernow

Countryside Access Team, P O Box 676, Threemilestone, Truro, Cornwall TR1 9EQ

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unopposed) or, in the case of an opposed order, if the Secretary of State so determines.

Enclosed with this letter is the following information:

1. A Pro Forma Response Sheet; and
2. An indicative Proposal Plan prepared by Cornwall Council showing the effects of the diversion proposals; and
3. An Overall Masterplan prepared by the developer and submitted as a document with their application for planning permission (PA22/06825).

The Proposal Plan depicts the following changes:

- A. A section of FP/618/15 is proposed to be Stopped-Up by an Order made under section 257 of the Town and Country Planning Act 1990 is shown by a solid bold RED line between points "C" and "D" on the Plan. The proposed Alternative Highway is a Public Footpath shown by a solid bold "BLUE" line between points "C" and "D" on the Plan. The diversion is required to enable the proposed development to be lawfully constructed. The alternative path will be located on the footway alongside the access road and will be approximately 2.0 metres in width.
- B. A section of FP/618/19 is proposed to be Stopped-Up by an Order made under section 257 of the Town and Country Planning Act 1990 is shown by a solid bold RED line between points "F" and "G" on the Plan. The proposed Alternative Highway is a Public Footpath shown by a solid bold "BLUE" line between points "E" and "G" on the Plan. The diversion is required to enable the proposed development to be lawfully constructed. The alternative path will be located within a grass wildflower meadow and will be approximately 2.0 metres in width.
- C. Another section of FP/618/15 is proposed to be Stopped-Up by an Order made under section 119 of the Highways Act 1990 is shown by a solid bold RED line between points "A" and "C" on the Plan. The proposed Alternative Highway is a Public Footpath shown by a solid bold "BLUE" line between points "B" and "C" on the Plan. The diversion is required because the existing right of way is intractably obstructed by a hotel building and other 'hard' infrastructure. The alternative path will be located on the footway alongside the access road and will be approximately 2.0 metres in width.

## **General Comments**

Given the nature of the proposed diversions the Authority believes that it is presently possible for the routes of the proposed alternative highways to be observed from vantage points upon existing nearby public highways and that this will assist consultees in formulating their comments.

The effect of the proposed development on public rights of way is a material consideration in the determination of the planning application. At the time of writing, the planning application has not yet been determined.

Any order made by the Council will be of the form required by the legislation and will provide that no Right of Way may be stopped up until such time as the Authority Certifies that the alternative highway has been provided in a satisfactory fashion.

Any order made by the Council will contain the usual provisions in respect of the rights of Statutory Undertakers.

Any order made by the Council under section 257 of the Town and Country Planning Act 1990 will not be confirmed before the planning consent for the development has been granted.

Where public rights of way are diverted by order under the Highways Act 1980 and the Town and Country Planning Act 1990, the alternative highways created by the orders become highways maintainable at the public expense.

Yours sincerely

*M.K. Eastwood*

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

**Note:**

Further information in respect of Planning Application PA22/06825, including detailed drawings of the proposed development may be seen by navigating to <https://planning.cornwall.gov.uk/online-applications/>

The Planning Case Officer is Matthew Doble (Principal Development Officer) who may be contacted via:

Tel: 0300 1235 151  
E-mail: [planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

**To:** Cornwall Council  
Public Path Orders Officer  
Countryside Access Team  
P O Box 676  
Threemilestone  
Truro  
Cornwall  
TR1 9EQ

**From: REF Address** LOCAL COUNCIL [1]  
John Hesketh  
Clerk to Menheniot Parish Council  
Lambest Cottage  
Menheniot  
Liskeard  
Cornwall  
PL14 3RE

- (1) Town and Country Planning Act 1990 Section 257 | Proposed Diversion of Parts of Public Footpaths 15 & 19 Menheniot associated with planning application PA22/06825 | Land at Ten creek Farm Haviland Road Liskeard Cornwall PL14 3PS**
- (2) Highways Act 1980 Section 119 | Proposed Diversion of part of Public Footpath 15 Menheniot | Land at Premier Travel Inn Haviland Road Liskeard Cornwall PL14 3FG**

I acknowledge receipt of your consultation relating to the abovementioned proposed footpath diversions.

**PLEASE TICK  
AS APPROPRIATE**

I have no objection to the proposal to divert parts of Footpaths 15 & 19 Menheniot as set out in your letter of 15<sup>th</sup> February 2024.

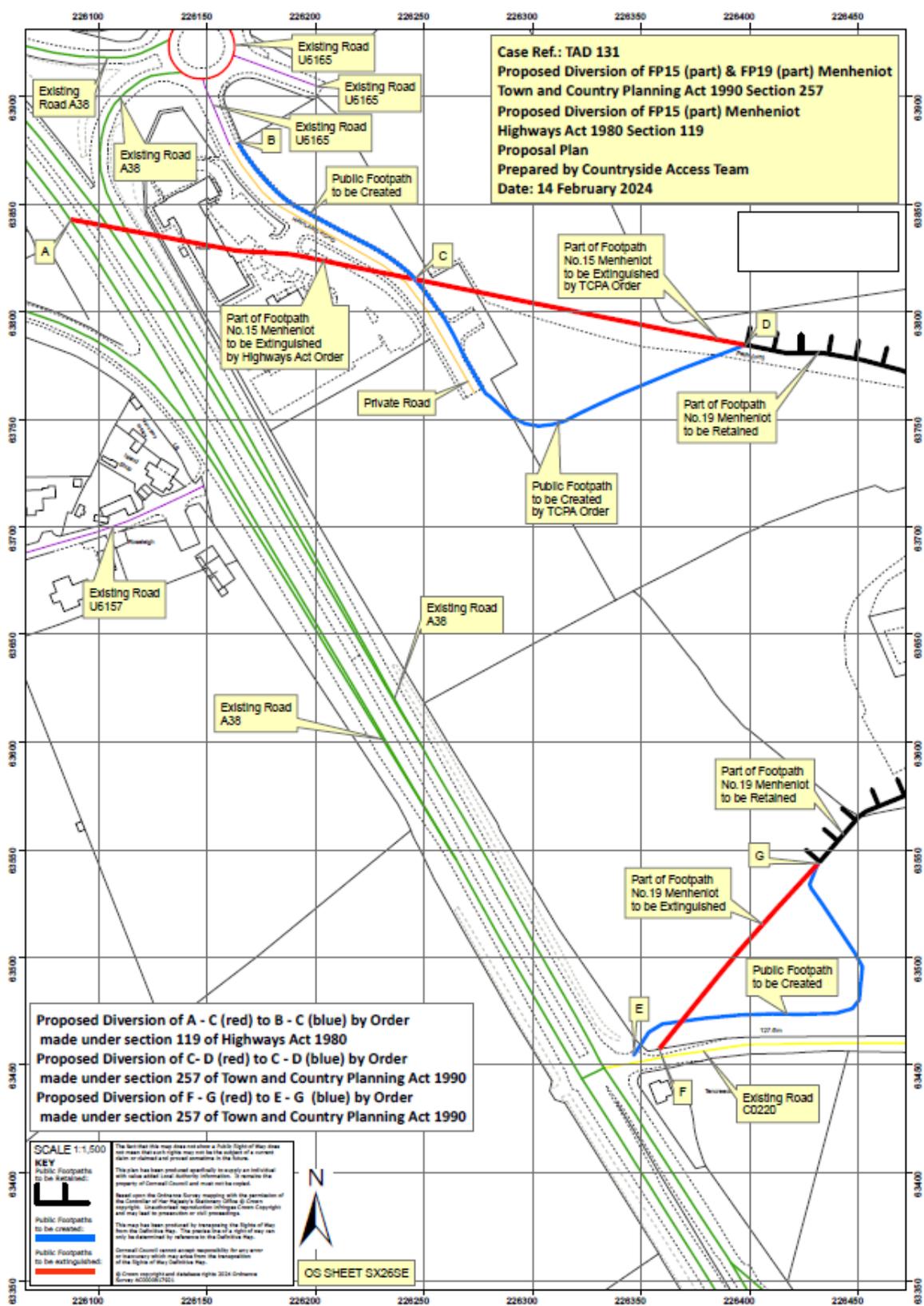
I object to the proposal to divert parts of Footpaths 15 & 19 Menheniot as set out in your letter of 15<sup>th</sup> February 2024 for the following reasons:-

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**Signed:** ..... **(PRINT NAME)** .....

**Dated:** .....

MAP NOT TO SCALE



Case Ref: TAD 131  
Proposed Diversion of FP15 (part) & FP19 (part) Menheniot  
Town and Country Planning Act 1990 Section 257  
Proposed Diversion of FP15 (part) Menheniot  
Highways Act 1980 Section 119  
Proposal Plan  
Prepared by Countryside Access Team  
Date: 14 February 2024

Proposed Diversion of A - C (red) to B - C (blue) by Order made under section 119 of Highways Act 1980  
Proposed Diversion of C - D (red) to C - D (blue) by Order made under section 257 of Town and Country Planning Act 1990  
Proposed Diversion of F - G (red) to E - G (blue) by Order made under section 257 of Town and Country Planning Act 1990

SCALE 1:1,500  
**KEY**  
Public Footpaths to be Retained:  
Public Footpaths to be Created:  
Public Footpaths to be Extinguished:  
The fact that this map does not show a Public Right of Way does not mean that such a right may not be the subject of a current claim or claimed and proved sometime in the future.  
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OS SHEET SX263E

MAP NOT TO SCALE

# Plan B – Development Masterplan



**Notes:**

1. This plan is a preliminary plan of the proposed development and is not intended to be used for any other purpose.
2. The plan is subject to the approval of the Local Planning Authority and the relevant statutory undertakers.
3. All works are to be carried out in accordance with the relevant planning conditions and any other relevant legislation.
4. The plan is subject to the approval of the relevant statutory undertakers.
5. The plan is subject to the approval of the relevant statutory undertakers.
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8. The plan is subject to the approval of the relevant statutory undertakers.
9. The plan is subject to the approval of the relevant statutory undertakers.
10. The plan is subject to the approval of the relevant statutory undertakers.

2.1	Proposed to be a 200m	200m	200m
2.2	Proposed to be a 200m	200m	200m
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2.4	Proposed to be a 200m	200m	200m
2.5	Proposed to be a 200m	200m	200m
2.6	Proposed to be a 200m	200m	200m
2.7	Proposed to be a 200m	200m	200m
2.8	Proposed to be a 200m	200m	200m
2.9	Proposed to be a 200m	200m	200m
2.10	Proposed to be a 200m	200m	200m

**bailey partnership**  
 Willton Homes Ltd

Mixed use development at  
 Newland road, Liskeard

Overall Masterplan

PLANNING	DATE
2019/17	10.21
PG	SD
SB	SB
SB	SD
HAV BP	XX XX DR A 050/018

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