

**Proceedings under Section 119 & 26 of the Highways Act 1980;  
Preliminary Consultation**

**Proposed Diversion of Part of Public Footpath No. 1  
At Carlyon Bay Hotel and Creation of Public Footpath on Sea Road in the Parish of  
Carlyon**

**Introduction**

Cornwall Council has received an application for the diversion of part of Public Footpath Number 1 in the Parish of Carlyon, as well as the creation of a Public Footpath on Sea Road in the Parish of Carlyon. The details of the diversion & creation proposals are shown on the attached Consultation Plan and described in the description below.

The application was made by the owner of Carlyon Bay Hotel. The proposal is deemed to be in their interest for more efficient use of the land.

**The purpose of this email is solely to carry out informal consultations and invite feedback concerning the changes to the public rights of way which are proposed.**  
Please ensure that your comments are received by **03 October 2025**.

Please see the Pro Forma Response Sheet (below) and Consultation Plan, which indicates the effect of the diversion & creation proposals, attached to this email. Please also see attached the applicant's 'Reasons for the Proposal'.

**The Proposals**

**Description of Ways to be Extinguished and Created**

<b>The Existing Right of Way</b>				
<b>Section to be Extinguished</b>	<b>"START POINT"</b>	<b>"FINISH POINT"</b>	<b>Length of Section</b>	<b>Shown As</b>
Part FP 1 Carlyon	FP 1 Carlyon 242 metres east of "Carlyon Bay Hotel" OSGR SX 05400/52120 POINT A	FP 1 Carlyon 757 metres south-west of "Carlyon Bay Hotel" OSGR SX 04493/51698 POINT C	1155 metres	Bold RED line on Map A to C

### The Proposed Revised Highway

Section to be Created	"START POINT"	"FINISH POINT"	Length of Section	Shown As
Public Footpath: Carlyon	FP 1 Carlyon 242 metres east of "Carlyon Bay Hotel" OSGR SX 05400/52120 POINT A	FP 1 Carlyon 757 metres south-west of "Carlyon Bay Hotel" OSGR SX 04493/51698 POINT C	1111 metres	Bold BLUE line on Map A to B to C

Width of Revised Path	Details of "Definition" of Revised Path
Points A-B-C	For the Revised Public Footpath between points A to B to C the width of the path is proposed to be no less than 2.0 metres.

### The Proposed Created Highway

Section to be Created	"START POINT"	"FINISH POINT"	Length of Section	Shown As
Public Footpath: Carlyon	South West Coast Path (SWCP) 351 metres south-west of "Carlyon Bay Hotel" OSGR SX 04863/51872 POINT B	Unclassified Road U6112 177 metres north-east of "Carlyon Bay Hotel" OSGR SX 05212/52210 POINT E	599 metres	Dashed BLUE line on Map B to D to E

### Information about Provided Maps

Maps are provided at a scale between 1:500 and 1:2,500 to illustrate the effect of the proposal sufficiently clearly for the purpose of preliminary consultations.

The path proposed to be extinguished is shown by a solid bold red line on the map, paths proposed to be created are shown by a solid bold blue (diversion) and a dashed blue (creation) line and paths to be retained are shown by dashed black lines. This plan is provided at a scale convenient for measuring by way of a scale rule.

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## **Technical Matters**

Should Cornwall Council exercise its powers to make an order or orders under the powers of the Highways Act 1980 then the Council would bear in mind those issues that are pertinent to both the making and confirmation of such orders.

Where public rights of way are diverted by order under the Highways Act 1980, the alternative highways created by the order become highways maintainable at the public expense. The Council also recognises the provisions of Disability Discrimination legislation and attempts where possible to make paths more convenient for public use.

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

A Schedule of Works will be prepared that specifies those works that shall be carried out to bring any proposed paths into a fit condition for public use. This would be implemented jointly by the landowner and Cornwall Council at such time as any Order is in a position to be confirmed.

Given the nature of the proposed diversion and creation, the Authority believes that it is presently possible for the proposed routes to be observed and that this will assist consultees in formulating their comments.

## **General Comments**

Section 118(6) of the Highways Act 1980 requires highway authorities to disregard any temporary circumstances preventing or diminishing the use of the path by the public when considering whether to make or confirm a Public Path Extinguishment Order. It has been the practice of this authority to take a similar approach for the making and confirmation of Public Path Diversion Orders. Where existing rights of way are obstructed by structures which are part of the built environment and where there is no realistic expectation that the structures will be removed, the Council may make a Public Path Diversion Order in lieu of the removal of the structures. It is not considered that the obstruction of the existing sections of path is fatal to the application. In considering whether the diversion proposal meets the legislative tests the Council will take account of the existing path as if it were unobstructed.

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.

## Conclusion

Before Cornwall Council determines whether or not to exercise its power to make any 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 provide comments directly to myself on the below email or postal address before **03 October 2025**.

If I do not hear from you by the above-mentioned date, I will assume that you have no comment to make on the proposals.