IN THE CITY OF CANTERBURY

NOTICE OF PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH CB386 (PART) AT PETHAM)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2011

The above Order, made under Section 119 of the Highways Act 1980 will divert the entire width of that length of public footpath numbered CB386, which commences at NGR TR 1027 5018 (point A on the Order plan) and runs in a generally south-easterly direction for approximately 135 metres to its connection with bridleway CB391 at NGR TR 1036 5007 (point B on the Order plan), to a new length of footpath CB386 with a width of 2.5 metres, which commences at the aforementioned point A and runs in a generally southerly direction for approximately 150 metres to its connection with bridleway CB391 (point C on the Order plan), approximately 83 metres south-west of the aforementioned point B.

All directions general, all distances approximate.

A copy of the Order and the Map have been placed and may be seen free of charge at the offices of Canterbury City Council, Military Road, Canterbury, Kent, CT1 1YW or at the Countryside Access Service, Invicta House, County Hall, Maidstone, Kent, ME14 1XX, during office hours. Copies of the Order and Map may be purchased there.

Any representations about or objections to the Order should be sent in writing to Mrs Maria McLauchlan at the Countryside Access Service, Invicta House, County Hall, Maidstone, Kent, ME14 1XX (Tel: 01622 696871) before 14th November 2011. Please state the grounds on which they are made.

If no representations or objections are duly made, or if any so made are withdrawn, Kent County Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for the Environment for confirmation any representations and objections which have not been withdrawn will be sent with the Order.

COUNTRYSIDE ACCESS SERVICE
KENT COUNTY COUNCIL
INVICTA HOUSE
MAIDSTONE
KENT, ME14 1XX
TEL: 01622 696871

DATED: 16th October 2011
IN THE CITY OF CANTERBURY

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH CB386 (PART) AT PETHAM)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2011

This Order is made by the Kent County Council ("the authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this Order it is expedient that the line of public footpath CB386 should be diverted.

This Order is also made under Section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the definitive map and statement for the County of Kent (Map Sheet 149 (TR15SW)) requires modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

The applicant has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and pay any expenses which are incurred in bringing the new site of the public right of way into a fit condition for use by the public:

Canterbury City Council has been consulted as required by Section 120 (2) of the 1980 Act;

BY THIS ORDER:

1. The public right of way over the land situate at Petham and shown by a bold continuous line on the attached map contained in the Order and described in Part I of the Schedule to this Order shall be stopped up after twenty eight days from the date of confirmation of this Order, and thereupon the definitive map for the County of Kent (Map Sheet 149 (TR15SW)) shall be modified by deleting from it that public right of way.

2. The relevant date of this Order will be as specified in paragraph 1.

3. There shall be at the end of twenty eight days from the date of confirmation of this Order a public footpath over the land situate at Petham described in Part II of the schedule and shown by a bold broken line on the Map contained in this Order, and thereupon the definitive map for the County of Kent (Map Sheet 149 (TR15SW)) shall be modified by adding the path to it.

3A. The Definitive Statement for the County of Kent (Map Sheet 149 (TR15SW)) shall be modified as described in Part IV of the Schedule to this Order.
GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 6th DAY OF OCTOBER IN THE YEAR TWO THOUSAND AND ELEVEN.

THE COMMON SEAL OF THE KENT COUNTY COUNCIL
was hereto affixed in the presence of:-

[Signature]

Authorised Signatory
SCHEDULE

PART I

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of public footpath numbered CB386, which commences at NGR TR 1027 5018 (point A on the Order plan) and runs in a generally south-easterly direction for approximately 135 metres to its connection with bridleway CB391 at NGR TR 1036 5007 (point B on the Order plan). Between the points A-B on the Order plan.

PART II

DESCRIPTION OF SITE OF NEW PATH OF WAY

A new length of public footpath numbered CB386 with a width of 2.5 metres, which commences at the aforementioned point A and runs in a generally southerly direction for approximately 150 metres to its connection with bridleway CB391 (point C on the Order plan), approximately 83 metres south-west of the aforementioned point B. Between points A-C on the Order plan.

PART III

LIMITATIONS AND CONDITIONS

None.

PART IV

MODIFICATION OF DEFINITIVE STATEMENT

The entry for public footpath numbered CB386 is modified by the addition of the following:

Diverted by the Kent County Council (Public Footpath CB386 (part) at Petham) Public Path Diversion and Definitive Map and Statement Modification Order 2011 with a width of 2.5 metres for the new length of path.

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH CB386 (PART) AT PETHAM)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2011
STATEMENT TO ACCOMPANY
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH CB386 (PART) AT PETHAM)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2011

Under The Highways Act 1980, the County Council has the power to make Orders to create, extinguish or divert footpaths and bridleways.

Legislation affecting this proposal is contained within Section 119 of The Highways Act 1980. The grounds for a diversion are that it is either in the interest of the owner/occupier of the land or of the public.

It should, however, be noted that Section 119 also provides that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the Order having regard to the effect which the diversion would have on public enjoyment of the path or way as a whole. The Wildlife and Countryside Act 1981 amended the grounds by which a public path may be diverted.

Kent County Council has made an Order to divert Public Footpath CB386 under The Highways Act 1980, Section 119. This statement has been prepared to explain various aspects of the Order.

The application has been made by the landowner to divert Public Footpath CB386 for the following reasons:

In 2003 the landowners applied for, and were granted, planning permission for a conservatory. The footpath currently crosses the corner of the conservatory. Although the landowners were aware of this at the time, there were no concerns as very few people used the definitive line, preferring instead to use the track a little further west (on to which it is proposed to divert the path). The landowners have since found it impossible to sell their property due to security concerns with the footpath running so close to the house. Walkers are already using the proposed route.

Kent County Council is satisfied that the proposed new route is in the interests of the landowner and will not be substantially less convenient to the public nor will any enjoyment be lost by the diversion.

The Order will come into force only after it has been confirmed; making and advertising the Order simply provides an opportunity for objections or representations to be made.

Persons considering objecting or making representations relating to the Order are invited to discuss their concerns with the Public Rights of Way Officer, Mrs Maria McLauchlan, at the address below (Telephone Number 01622 696871).
Objections or representations relating to the Order must be made in writing to Mrs Maria McLauchlan at the address below, no later than 14th November 2011.

The right of an objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders may be awarded against objectors in cases of unreasonable behaviour.

If any objections are made and not withdrawn, the Council may refer the Order and objections to the Department of the Environment for determination. An Inspector from the Planning Inspectorate will then either take written representations or hear the objections at a Public Inquiry or Hearing. The Inspector can confirm the Order, confirm it with modifications, or refuse to confirm it. If no objections are received the Council may confirm the Order itself, but it has no power to modify Orders.

Kent County Council
Countryside Access Service
Invicta House
County Hall
Maidstone
Kent, ME14 1XX

Date: 10th October 2011

THIS STATEMENT DOES NOT FORM PART OF THE ORDER