IN THE DISTRICT OF SHEPWAY
NOTICE OF PUBLIC PATH ORDER
HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
KENT COUNTY COUNCIL
PUBLIC FOOTPATHS HM66 (PART) AND HM68 (PART) BRENZETT PUBLIC PATH
DIVERSION AND DEFINITIVE MAP AND STATEMENT ORDER 2014

The above Order was made on the 2nd day of July 2014 under section 119 of the Highways Act 1980 and will divert:

The entire width of (1) that length of Public Footpath numbered HM66 commencing from Grid Reference TR 0138 3006 (Point A) and running in a southerly direction for 120 metres to its junction with Public Footpath HM67 to the north of St Augustine's Church at TR 0139 2995 (Point B). Between the points A and B on the Order Plan; and (2) that length of Public Footpath numbered HM68 commencing at Grid Reference TR 0159 3004 (Point D) and running for 40 metres in a south – south westerly direction to rejoin the unaffected length of Public Footpath HM68 at TR 0157 3001 (Point E). Between the points D and E on the Order Plan.

And will provide: (1) a new length of Public Footpath numbered HM66 with a width of 2 metres Commencing from the aforementioned point A (TR 0138 3006) running in an east north easterly direction for 42 metres to TR 0142 3008 (Point C) then south - south easterly for 125 metres to its junction with Public Footpath HM67 at TR 0144 2996 (Point F). Between the points A, C and F on the Order Plan; and
(2) a new length of Public Footpath HM68 with a width of 2 metres commencing at the aforementioned point D (TR 0159 3004) and running in a south – south easterly direction for 20 metres and then in a west south westerly direction for 30 metres to rejoin the existing line of Public Footpath HM68 at TR 0157 3001 (Point E). Between the points D and E on the Order Plan.

All distances are approximate, all directions are general.

A copy of the Orders and Maps may be seen free of charge at the offices of Shepway District Council, Castle Hill Avenue Folkestone CT20 2 QY or at Kent County Council, Customer and Communities, Invicta House, County Hall, Maidstone, Kent ME14 1XX. Copies of the Orders and maps may also be bought there.

Any representation about or objection to the orders may be sent or delivered in writing to Mr Chris Wade at Kent County Council (address as above) no later than the 11th day of August 2014. Please state the grounds on which it is made. If no such representations or objections are duly made, or if any so made are withdrawn, the Kent County Council may itself confirm the orders as unopposed orders. If the orders are sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations or objections which have not been withdrawn will be sent with the orders.

Director of Customer and Communities
Kent County Council
Invicta House
County Hall
Maidstone
Kent ME14 1XX

DATED: 11th July 2014
IN THE DISTRICT OF SHEPWAY

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH HM66 (PART) and HM68 (PART) BRENZETT)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2014

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 Part 1 of this Order it is expedient that the lines of Public Footpaths HM66 and HM68 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 Sheets 120 and 123) 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:

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

BY THIS ORDER:-

1. The public rights of way over the land situate at Brenzett 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 Sheets 120 and 123) shall be modified by deleting from it those public rights of way.

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

3. There shall be twenty eight days from the date of confirmation of this Order Public Footpaths over the land situate at Brenzett 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 Sheets 120 and 123) shall be modified by adding the paths to it.

3A. The definitive statement for the County of Kent (Map Sheets 120 and 123) shall be modified as described in Part IV of the schedule to this Order.
GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS SECOND DAY OF JULY IN THE YEAR TWO THOUSAND AND FOURTEEN.

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

(1) The entire width of that length of Public Footpath numbered HM66 Commencing from a point at Grid Reference TR 0138 3006 (Point A) and running in a generally southerly direction for approximately 120 metres to its junction with Public Footpath HM67 to the north of St Augustine's Church at Grid Reference TR 0139 2995 (Point B). Between the points A and B on the Order Plan.

(2) The entire width of that length of Public Footpath numbered HM68 commencing from a point at Grid Reference TR 0159 3004 (Point D) and running for approximately 40 metres in a south - south westerly direction to rejoin the unaffected length of Public Footpath HM68 at Grid Reference TR 0157 3001 (Point E). Between the points D and E on the Order Plan.

PART II

DESCRIPTION OF SITE OF NEW PATH OR WAY

(1) A new length of Public Footpath numbered HM66 with a width of 2 metres commencing from the aforementioned Point A (TR 0138 3006) and running in a generally east north easterly direction for 42 metres to Grid Reference TR 0142 3008 (Point C) then turning to run in a generally south - south easterly direction for approximately 125 metres to its junction with Public Footpath HM67 at Grid Reference TR 0144 2996 (Point F). Between the points A, C and F on the Order Plan.

(2) A new length of Public Footpath numbered HM68 with a width of 2 metres commencing at the aforementioned point D (TR 0159 3004) and then running in a south - south easterly direction for 20 metres and then running in a west south westerly direction for a further 30 metres to rejoin the existing line of Public Footpath HM68 at Grid Reference TR 0157 3001 (Point E). Between the points D and E on the Order Plan.

PART III

LIMITATIONS AND CONDITIONS

None

PART IV

MODIFICATION OF DEFINITIVE STATEMENT

The entries for public footpaths numbered HM66 and HM68 are both modified by the addition of the following:

Part diverted by the Kent County Council (Public Footpath HM66 (part) and HM68 (part) Brenzett) Public Path Diversion and Definitive Map and Statement Modification Order 2014. The new length of path will have a width of 2 metres,
HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH HM66 (PART) AND HM68 (PART) BRENZETT)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2014
STATEMENT TO ACCOMPANY

KENT COUNTY COUNCIL (PUBLIC FOOTPATHS HM66 (PART) AND HM68 (PART) BRENZETT)

PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2014

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Under The Highways Act 1980, the County Council has the power to make Orders to create, extinguish or divert Footpaths, Bridleways and Restricted Byways. Section 53 of the Wildlife and Countryside Act 1981 sets out the manner in which the Definitive Map is modified.

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.

The Kent County Council has made an Order to divert parts of Public Footpaths HM66 and HM68 at Brenzett under The Highways Act 1980, Section 119. This statement has been prepared to explain various aspects of the Order.

The current line of HM66 subject to the application currently runs through an enclosed residential garden in an extremely close proximity to the rear of a domestic property; the path actually crossing the patio area. The owners are concerned about the significant impact that the close proximity of this path has, not only upon the property itself but, in addition, the security, enjoyment and privacy of both themselves and their young children who play in the garden. The owners are also concerned that their two pet dogs who should have unfettered access to the garden bark loudly when strangers are in the vicinity and that whilst the dogs are not known to be in any way dangerous this may intimidate some users. The owners are keen to overcome this concern.

The application to divert a small part of HM68 is primarily to formalise a route that is currently being used by the public. However, its proper diversion would enable better management of the applicant’s land in allowing the more effective use of a triangular piece of land that would otherwise be dissected from the applicant’s landholding.

In the County Council’s view, the proposed diversion would alleviate these problems and would not be in any way substantially less convenient to the public and the
proposals subject of this Order have been developed following close consultation with the User Groups and the Parish Council. There have been no other objections to this proposal at the informal consultation stage.

The Kent County Council is satisfied that the proposed new routes are in the interests of the owner of the land and will not be substantially less convenient, nor will any enjoyment be lost by the diversions.

The Order will come into force only after it has have 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 Chris Wade, at the address below (Telephone Number 01622 221511).

Objections or representations relating to the Order must be made in writing to Chris Wade at the address below, not later than 11th August 2014.

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
PROW & Access Service
Invicta House
County Hall
Maidstone
Kent, ME14 1XX

Tel: 01622 221511

Date: 11th July 2014