IN THE BOROUGH OF TONBRIDGE & MALLING

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH MR474 (PART), AYLESFORD)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016

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 MR474 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 061 (TQ75NW)) 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:

Tonbridge & Malling Borough 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 Aylesford 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 28 days from the date of confirmation of this Order, and thereupon the Definitive Map for the County of Kent (Map Sheet 061 (TQ75NW)) 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 28 days from the date of confirmation of this Order, a Public Footpath over the land situate at Aylesford 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 061 (TQ75NW)) shall be modified by adding the path to it.

3A. The Definitive Statement for the County of Kent (Map Sheet 061 (TQ75NW)) shall be modified as described in Part IV of the schedule to this Order.
GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 1st DAY OF AUGUST IN THE YEAR TWO THOUSAND AND SIXTEEN.

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

........................................
Authorised Signatory

1823-2016
SCHEDULE

PART I:
DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of Public Footpath numbered MR474 which commences at the rear of property 6 Friars View at NGR TQ 7213 5875 (point A) and runs generally west for approximately 50.0 metres to its connection with Millhall at NGR TQ 7208 5876 (point B), between the points A-B on the Order plan.

PART II:
DESCRIPTION OF SITE OF NEW PATH OR WAY

A new length of Public Footpath numbered MR474 which commences at the aforementioned point A and runs generally north-west for approximately 111.0 metres then turns to run generally south-west for approximately 2.2 metres to its connection with Millhall at NGR TQ 7204 5881 (point D), between the points A-C-D on the Order plan. The new path has a width of 2.0 metres between the points A-C and a width of 1.8 metres between points C-D.

PART III:
LIMITATIONS AND CONDITIONS

None.

PART IV:
MODIFICATION OF DEFINITIVE STATEMENT

The entry for Public Footpath MR474 is modified by the addition of the following:

Part diverted by the Kent County Council (Public Footpath MR474 (part), Aylesford) Public Path Diversion and Definitive Map and Statement Modification Order 2016. The new path has a width of 2.0 metres between the points A-C and a width of 1.8 metres between points C-D.

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH MR474 (PART), AYLESFORD)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2016
IN THE BOROUGH OF TONBRIDGE & MALLING

NOTICE OF PUBLIC PATH ORDER

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH MR474 (PART), AYLESFORD)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016

The above named Order made on 1st August 2016 under Section 119 of the Highways Act 1980 will divert the entire width of that length of public Footpath numbered MR474 which commences at the rear of property 6 Friars View at NGR TQ 7213 5875 (point A) and runs west for 50.0 metres to its connection with Millhall at NGR TQ 7208 5876 (point B), between the points A-B on the Order plan, and will add a new length of public footpath numbered MR474 which commences at the aforementioned point A and runs north-west for 111.0 metres then turns to run south-west for 2.2 metres to it connection with Millhall at NGR TQ 7204 5881 (point D), between the points A-C-D on the Order plan. The new path has a width of 2.0 metres between the points A-C and a width of 1.8 metres between points C-D.

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 Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ or at the Kent County Council, PROW & Access Service, Invicta House, Maidstone, Kent, ME14 1XX, during office hours. Copies of the Order and Map may be purchased there at the price of £5.

Any representation about or objection to the Order may be sent in writing to Mrs Maria McLauchlan at the Kent County Council (address as below). (Tel: 03000 413420) (email: maria.mclauchlan@kent.gov.uk) not later than 30th September 2016. Please state the grounds on which they are made.

Please note that objections/representations cannot be treated as confidential and may come into the public domain. Copies of any objections or representations received may be disclosed to interested parties, including the Planning Inspectorate where the case is referred to it for determination.

If no such representations or objections are duly made, or if any so made are withdrawn, the 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.

PROW & Access Service
Invicta House
Maidstone
Kent
ME14 1XX

Dated: 2nd September 2016

This document is available in alternative formats and can be explained in a range of languages.
STATEMENT TO ACCOMPANY
THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH MR474 (part), AYLESFORD)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016

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 and/or of the public. The Wildlife and Countryside Act 1981 amended the grounds by which a public path may be diverted.

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.

Kent County Council has made an Order to divert part of Public Footpath MR474 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. In 2004 four properties at Friars View were built on the line of the path. The path should have been diverted under the Town & Country Planning Act 1990 at the time as it was a condition of the planning, but the developers failed to do this. Therefore, the landowner, who owns all four properties, has applied to have the path diverted under the Highways Act 1980. Part of the path to be diverted also runs over land in the ownership of Hyde Housing which has agreed to the proposal.

Kent County Council is satisfied that the proposed new route is in the interests of the landowner. In addition it 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 03000 413420).

Objections or representations relating to the Order must be made in writing to Mrs Maria McLauchlan at the address below, no later than 30th September 2016.

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

THIS STATEMENT DOES NOT FORM PART OF THE ORDER