IN THE BOROUGH OF SWALE

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH ZR634 (part), BOUGHTON-UNDER-BLEAN)
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 ZR634 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 132 (TR05NW)) 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:

Swale 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 Boughton-under-Blean 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 132 (TR05NW)) 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 Boughton-under-Blean 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 132 (TR05NW)) shall be modified by adding the path to it.

3A. The Definitive Statement for the County of Kent (Map Sheet 132 (TR05NW)) shall be modified as described in Part IV of the schedule to this Order.
GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 15th DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND AND SIXTEEN.

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

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

[Seal]

1212-2016
SCHEDULE

PART I:
DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of public footpath numbered ZR634 which commences on Brenley Lane at NGR TR 0411 5901 (point A) and runs generally south-east for approximately 212.0 metres to NGR TR 0427 5887 (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 ZR634, with a width of 2.5 metres starting 0.5 metre from the root of the hedge lines, which commences at the aforementioned point A and runs generally south for approximately 45.0 metres to NGR TR 0411 5897 (point C), then generally south-east for approximately 186.0 metres to NGR TR 0426 5887 (point D, and then generally north-east for approximately 9.0 metres to the aforementioned point B. Between the points A-C-D-B on the Order plan.

PART III:
LIMITATIONS AND CONDITIONS

None.

PART IV:
MODIFICATION OF DEFINITIVE STATEMENT

The entry for Public Footpath ZR634 is modified by the addition of the following:

Part diverted by the Kent County Council (Public Footpath ZR634 (part), Boughton-under-Blean) Public Path Diversion and Definitive Map and Statement Modification Order 2016 with a width of 2.5 metres starting 0.5 metre from the root of the hedge lines for the new length of path.

There are no amendments to the connections item.

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH ZR634 (part), BOUGHTON-UNDER-BLEAN)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2016
THE COMMON SEAL OF THE KENT COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:-

Authorised Signatory

Key

- - - Route to be diverted
- - - - - New Length of route
- - - - - - - Unaffected Routes

Highways Act 1980
Kent County Council (Public Footpath ZR634 (part), Boughton-under-Blean)
Public Path Diversion and Definitive Map and Statement Modification Order 2016

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Reference: PROW/ZR634/1449

Public Rights of Way and Access Service
IN THE BOROUGH OF SWALE

NOTICE OF PUBLIC PATH ORDER

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH ZR634 (part), BOUGHTON-UNDER-BLEAN)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016

The above named Order made on 15th September 2016 under Section 119 of the Highways Act 1980 will divert the entire width of that length of public footpath numbered ZR634 which commences on Brenley Lane at NGR TR 0411 5901 (point A) and runs south-east for 211.0 metres to NGR TR 0427 5887 (point B), between the points A-B on the Order plan, and will add a new length of public footpath numbered ZR634, with a width of 2.5 metres starting 0.5 metre from the root of the hedge lines, which commences at the aforementioned point A and runs south for 45.0 metres to NGR TR 0411 5897 (point C), then south-east for 186.0 metres to NGR TR 0426 5887 (point D, and then north-east for 9.0 metres to the aforementioned point B, between the points A-C-D-B on the Order plan.

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 Swale Borough Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT 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.mclauhclan@kent.gov.uk) not later than 21st October 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: 23rd 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 ZR634 (part), BOUGHTON-UNDER-BLEAN)
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 ZR634 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, Mr Berry, to divert the path to enable better management of the vines planted in the field. Currently the footpath runs at an acute angle to the boundary fence and diagonally across the straight rows of vines. This makes it difficult for the walker, despite clear waymarking with yellow tape, and the farmer in cultivating the crop. The proposed route is currently marked out as a permissive route and walkers have been happy to use this since it has been in place. A windbreak has been planted to the south-west of the proposed route which provides some shelter but does not restrict the views to the east. It is proposed that the new route should be 2.5 metres wide starting 0.5 metre from the root of each of the hedge lines.

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 21st October 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 no: 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