IN THE BOROUGH OF ASHFORD
WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT
MAP SHEET 124 (TR03NW)

THE KENT COUNTY COUNCIL
(BRIDLEWAYS AW378 & AW379, KINGSNORTH)
DEFINITIVE MAP MODIFICATION ORDER 2016

This Order is made by the Kent County Council ("the Authority") under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the Authority that map sheet 124 (TR03NW) of the Definitive Map and Statement for the County of Kent requires modification in consequence of the occurrence of an event specified in 53(3)(c)(i), namely the discovery of evidence by the Authority which shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to such that the land over which the right subsists is a public path or a restricted byway or, subject to section 54A, a Byway Open to All Traffic.

The Authority has consulted with every local authority whose area includes the land to which the Order relates.

The Kent County Council hereby orders that:

1. For the purpose of this Order the relevant date is the 1st of May 2016.

2. Sheet 124 (TR03NW) of the Definitive Map for the County of Kent and its associated Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to this Order.

3. This Order shall take effect on the date it is confirmed and may be cited as the "The Kent County Council (Bridleways AW378 & AW379, Kingsnorth) Definitive Map Modification Order 2016".

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 21st DAY OF OCTOBER IN THE YEAR TWO THOUSAND AND SIXTEEN

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

[Signature]

AUTHORISED SIGNATORY

1310- 2016
SCHEDULE
PART I: MODIFICATION OF DEFINITIVE MAP

Description of path(s) to be added

The effect of the Order is to add a bridleway numbered AW378, with a width of 3.0 metres, commencing on Steeds Lane adjacent to the property known as Slab Castle at NGR TR 0130 3797 (point A), which runs generally south-east for approximately 332.0 metres to its connection with the A2070 at NGR TR 0153 3775 (point B). Between the points A-B on the Order plan.

The effect of the Order is also to add a bridleway numbered AW379, with a width of 3.0 metres, commencing at its connection with the A2070 at NGR TR 0158 3774 (point C), which crosses the railway lines and runs generally south-east for approximately 240.0 metres and then runs generally north-east for approximately 354.0 metres to its connection with Brockmans Lane at NGR TR 0207 3784 (point D). Between the points C-D on the Order plan.

PART II: MODIFICATION OF DEFINITIVE STATEMENT

The Definitive Statement is amended by the addition of the following entries:

AW378 – Bridleway
Connections – Steeds Lane, AW313, A2070

Added by The Kent County Council (Bridleways AW378 & AW379, Kingsnorth) Definitive Map Modification Order 2016 with a width of 3.0 metres.

AW379 – Bridleway
Connections – A2070, Brockmans Lane

Added by The Kent County Council (Bridleways AW378 & AW379, Kingsnorth) Definitive Map Modification Order 2016 with a width of 3.0 metres.

The connections item for AW313 by the addition of the following:

AW313
Connections – Add AW378

WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(BRIDLEWAYS AW378 & AW379, KINGSNORTH)
DEFINITIVE MAP MODIFICATION ORDER 2016
TO THE OWNER AND ANY OCCUPIER OF THE LAND DESCRIBED BELOW:

IN THE BOROUGH OF ASHFORD

NOTICE OF MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT

THE KENT COUNTY COUNCIL
(BRIDLEWAYS AW378 & AW379, KINGSNORTH)
DEFINITIVE MAP MODIFICATION ORDER 2016

The above Order was made on 21st October 2016 under section 53 of the Wildlife and Countryside Act 1981. If confirmed, it will modify the Definitive Map and Statement for the area by adding

(i) a bridleway numbered AW378, with a width of 3.0 metres, commencing on Steeds Lane adjacent to the property known as Slab Castle at NGR TR 0130 3797 (point A), which runs generally south-east for approximately 332.0 metres to its connection with the A2070 at NGR TR 0153 3775 (point B). Between the points A-B on the Order plan;

(ii) a bridleway numbered AW379, with a width of 3.0 metres, commencing at its connection with the A2070 at NGR TR 0158 3774 (point C), which crosses the railway lines and runs generally south-east for approximately 240.0 metres and then runs generally north-east for approximately 354.0 metres to its connection with Brockmans Lane at NGR TR 0207 3784 (point D). Between the points C-D on the Order plan.

All distances are approximate, all directions are general.

A copy of the Order and Map may be seen free of charge during normal office hours at the offices of Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL or at the Kent County Council, PROW & Access Service, Invicta House, County Hall, Maidstone, Kent ME14 1XX. Copies of the Order and Map may also be purchased there at the price of £5.

Any representation about or objection to the Order must be sent or delivered in writing to Mrs Maria McLauchlan at the Kent County Council (address as below) no later than 23rd December 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 to the Order (or to any part of it), or if any so made are withdrawn, the Kent County Council, instead of submitting the Order to the Secretary of State (or part of it if the Authority has by Notice to the Secretary of State so elected under paragraph 5 of schedule 15 to the Wildlife and Countryside Act 1981) may itself confirm the Order (or that part of the Order). If the Order is sent to the Secretary of State for the Environment (in whole or in part), any representations or objections which have been duly made and not been withdrawn will be sent with it.

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

Date: 11th November 2016

This document is available in alternative formats and can be explained in a range of languages.
STATEMENT TO ACCOMPANY

WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT
THE KENT COUNTY COUNCIL
(BRIDLEWAYS AW378 & AW379, KINGSNORTH)
DEFINITIVE MAP MODIFICATION ORDER 2016

Under section 53(5) of the Wildlife and Countryside Act 1981, anyone may make an application to the County Council for a modification to be made to the Definitive Map and/or Statement. Such an application might consist of a request to record a new Public Right of Way, to delete an existing Public Right of Way, to upgrade or downgrade the status of a route already shown on the map, or to amend any particulars contained within the statement accompanying the Definitive Map.

The 1981 Act states that the Highway Authority may make a Definitive Map Modification Order to add a public right of way to the Definitive Map and Statement if it is shown that the right of the public to use it is at least reasonably alleged to subsist.

In considering an application to add routes to the Definitive Map, it is also necessary to take into account section 31(1) of the Highways Act 1980 which states that ‘where a way over any land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it’.

The County Council has made this Definitive Map Modification Order on the basis that the applicant has shown use of the claimed route over a period in excess of twenty years ‘as of right’ and without interruption. In addition, investigation has concluded that the entire length of Sleeds Lane was historically a road, over which public motor vehicular rights were stopped up but all other public rights (on foot, bicycle and horseback) remained. The reasons are set out in further detail in the County Council’s Notice of Decision which is available on request from the Public Rights of Way Officer at the address below.

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 (telephone number 03000 413420).

Any representation about or objection to the Order must be sent or delivered in writing to Mrs Maria McLauchlan at Kent County Council, PROW & Access Service, Invicta House, County Hall, Maidstone, Kent ME14 1XX. They should state the grounds on which they are made and must be received no later than 23rd December 2016.

Please note that the right of an objection 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 or spurious objections.

If any objections are made and not withdrawn, the County Council will refer the Order and objections to the Secretary of State for the Environment, Food and Rural Affairs 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 County Council will confirm the Order itself, but it has no power to modify Orders.

THIS STATEMENT DOES NOT CONSTITUTE PART OF THE ORDER
AND IS PURELY FOR INFORMATION ONLY