IN THE BOROUGH OF MAIDSTONE
WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT
MAP SHEETS 060 (TQ75SW) & 222 (TQ7554)

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATHS KB55 & KMX53 AT TOVIL & MAIDSTONE)
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 sheets 060 (TQ75SW) & 222 (TQ7554) of the Definitive Map and Statement for the County of Kent require 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 1st October 2016.

2. Sheet 060 (TQ75SW) & 222 (TQ7554) 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 (Public Footpaths KB55 and KMX53 at Maidstone) 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

[Signature]

[Date]
SCHEDULE

PART I: MODIFICATION OF DEFINITIVE MAP

Description of paths to be added

The effect of the Order is to add a public footpath numbered KMX53 which commences on Wharf Road at its connection with public footpath KMX39 at NGR TQ 7520 5480 (point A) and runs generally west through to north-north-west for approximately 26.0 metres and then generally west for approximately 50.0 metres to its connection with public footpath KB55 at NGR TQ 7513 5482 (point B), between the points A-B on the Order plans. The path has a hard surface and a width of 5.5 metres for approximately 13.0 metres. At this point there are three bollards across the route. The path then narrows to approximately 2.5 metres, heading west, for approximately 30.0 metres. From this point the path narrows to 1.5 metres where it passes through an area fenced to the river side.

The effect of the Order is also to add a public footpath numbered KB55 which commences at the aforementioned point B and runs generally west for approximately 167.0 metres to the publicly maintainable highway directly north of property 6 The Hurstings at NGR TQ 7497 5481 (point C), between the points B-C on the Order plans. The path has a width of 2.5 metres except for its most western end where it crosses the grass and has a width of 1.5 metres.

PART II: MODIFICATION OF DEFINITIVE STATEMENT

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

Map Sheet 060 (TQ75SW)

KB55 - Footpath
Connections – KMX53, publicly maintainable highway directly north of property 6 The Hurstings

Added by the Kent County Council (Public Footpaths KB55 & KMX53 at Tovil and Maidstone) Definitive Map Modification Order 2016 with a width of 2.5 metres except for its most western end where it crosses the grass and has a width of 1.5 metres.

The Public's rights are without prejudice to the statutory rights and obligations of the River Authority.

Map Sheet 222 (TQ7554)

KMX53 - Footpath
Connections – KMX39, Wharf Road, KB55

Public Footpath KMX53 commences on Wharf Road at its connection with public footpath KMX39 at NGR TQ 7520 5480 (point A) and runs generally west through to north-north-west for approximately 26.0 metres and then generally west for approximately 50.0 metres to its connection with public footpath KB55 at NGR TQ 7513 5482 (point B), between the points A-B on the Order plans. The path has a hard surface and a width of 5.5 metres for approximately the first 13.0 metres. At this point there are three bollards across the route. The path then narrows to approximately 2.5 metres, heading west, for approximately 30.0 metres. From this point the path narrows to 1.5 metres where it passes through an area fenced to the river side.
Added by the Kent County Council (Public Footpaths KB55 & KMX53 at Tovil and Maidstone) Definitive Map Modification Order 2016.

The Public’s rights are without prejudice to the statutory rights and obligations of the River Authority.

WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATHS KB55 & KMX53 AT TOVIL & MAIDSTONE)
DEFINITIVE MAP MODIFICATION ORDER 2016
IN THE BOROUGH OF MAIDSTONE
NOTICE OF MODIFICATION ORDER
WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATHS KB55 & KMX53 AT TOVL & MAIDSTONE)
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 a public footpath numbered KMX53 which commences on Wharf Road at its connection with public footpath KMX39 at NGR TQ 7520 5480 (point A) and runs generally west through to north-north-west for approximately 26.0 metres and then generally west for approximately 50.0 metres to its connection with public footpath KB55 at NGR TQ 7513 5482 (point B), between the points A-B on the Order plans. The path has a hard surface and a width of 5.5 metres for approximately 13.0 metres. At this point there are three bollards across the route. The path then narrows to approximately 2.5 metres, heading west, for approximately 30.0 metres. From this point the path narrows to 1.5 metres where it passes through an area fenced to the river side; it will also modify the Definitive Map and Statement for the area by adding a public footpath numbered KB55 which commences at the aforementioned point B and runs generally west for approximately 167.0 metres to the publicly maintainable highway directly north of property 6 The Hurstings at NGR TQ 7497 5481 (point C), between the points B-C on the Order plans. The path has a width of 2.5 metres except for its most western end where it crosses the grass and has a width of 1.5 metres.

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 Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ 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
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATHS KB55 & KMX53 AT TOVIL & MAIDSTONE)
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 routes over a period in excess of twenty years 'as of right' and without interruption. The reasons are set out in further detail in the Delegated Authority report 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 Mcleuchlan (telephone number 03000 413420).

Any representation about or objection to the Order must be sent or delivered in writing to Mrs Maria Mcleuchlan 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