The above named Order made on 15th December 2016 under Section 119 of the Highways Act 1980 will divert the entire width of that length of public footpath numbered KM116 which commences at NGR TQ 7852 5048 (point A) and runs in a south-easterly direction for 87 metres to NGR TQ 7858 5041 (point B). (Between the points A-B on the Order plan) and will add a new length of public footpath numbered KM116 with a width of 2.5 metres, which commences at NGR TQ 7852 5048 (aforementioned point A) and runs in an east- southeasterly direction for 13 metres to NGR TQ 7853 5047 (point C) where the path width reduces to 2.2m. The path then continues with a width of 2.5 metres in an east- southeasterly direction for 59 metres to NGR TQ 7859 5046 (point D), where the path width reduces to 2.2 metres. The path then continues with a width of 2.5 metres in a south-easterly direction for 7 metres to NGR TQ 7857 5041 (point F) before turning in a south-westerly direction for 3 metres to NGR TQ 7858 5041 (aforementioned point B). (Between the points A-C-D-E-F-B on the Order plan). The section of path A-C-D-E is to be situated 3.0 metres from the northern boundary of the woodland. The section of path E-F will be 0.5 metres from the boundary from the eastern boundary of the woodland.

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 Maidstone Borough Council at Maidstone House, King Street, Maidstone, Kent, ME15 6JQ 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 William Barfoot at the Kent County Council (address as below). (Tel: 03000 418674) (email: william.barfoot@kent.gov.uk) not later than 3rd February 2017. 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If no such representations or objections are duly made, or if any so made are withdrawn, the Kent County Council may confirm the Order as an unopposed Order.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
Tel: 03000 418674
Dated: 6th January 2017
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 KM116 (PART), BOUGHTON MONCHELSEA)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER 2016

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. 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 part of Public Footpath KM116 at Boughton Monchelsea under section 119 of the Highways Act 1980. This statement has been prepared to explain various aspects of the Order.

The application has been made by the landowner to increase the amount of grazing land available for their horses, whilst also reducing the incline of the public footpath and minimising the contact between path users and the horses. The proposed route would have a smaller more steady incline and create a natural and fenced barrier between users and livestock whilst providing a maintained woodland walk. As such, it is not considered that the proposal would have any negative impact upon the public enjoyment of the route or that the proposed new route will be substantially less convenient than the existing.

The Order will come into force only after the County Council has confirmed the Order and certified that the new route has been brought into a fit condition for public use; 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 Case Officer, Mr William Barfoot on 03000 418674

Objections or representations relating to the Order must be made in writing to Mr. William Barfoot at the address below or by email to william.barfoot@kent.gov.uk no later than 3rd February 2017

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 and Access Service, Invicta House, County Hall, Maidstone, Kent ME14 1XX
IN THE BOROUGH OF MAIDSTONE

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH KM116 (PART), BOUGHTON MONCHELSEA)
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 KM116 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 062 (TQ75SE)) 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:

Maidstone 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 Monchelsea 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 from the date upon which the Highway Authority certifies that the works required to bring the new route into a fit condition for public use have been completed and thereupon the Definitive Map for the County of Kent (Map Sheet 062 (TQ75SE)) 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, from the date upon which the Highway Authority certifies that the works required to bring the new route into a fit condition for public use have been completed, a Public Footpath over the land situate at Boughton Monchelsea 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 062 (TQ75SE)) shall be modified by adding the path to it.

3A. The Definitive Statement for the County of Kent (Map Sheet 062 (TQ75SE)) 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 DECEMBER IN THE YEAR TWO THOUSAND AND SIXTEEN

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

..............................

Authorised Signatory

JASON CFOSU

SCHEDULE

PART I

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of public footpath numbered KM116 which commences at NGR TQ 7852 5048 (point A) and runs in a generally south-easterly direction for approximately 87 metres to NGR TQ 7858 5041 (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 KM116 with a width of 2.5 metres, which commences at NGR TQ 7852 5048 (aforementioned point A) and runs in a generally east-southeasterly direction for approximately 13 metres to NGR TQ 7853 5047 (point C) where the path width reduces to 2.2m. The path then continues with a width of 2.5 metres in a generally east-southeasterly direction for approximately 59 metres to NGR TQ 7859 5046 (point D), where the path width reduces to 2.2 metres. The path then continues with a width of 2.5 metres in a generally south-easterly direction for approximately 7 metres to NGR TQ 7859 5045 (point E), and then generally south-southwesterly direction for approximately 53 metres to NGR TQ 7857 5041 (point F) before turning in a generally south-westerly direction for 3 metres to NGR TQ 7858 5041 (aforementioned point B). (Between the points A-C-D-E-F-B on the Order plan). The section of path A-C-D-E is to be situated 3.0 metres from the northern boundary of the woodland. The section of path E-F will be 0.5 metres from the boundary from the eastern boundary of the woodland.

PART III

LIMITATIONS AND CONDITIONS

None.

PART IV

MODIFICATION OF DEFINITIVE STATEMENT

The entry for public footpath numbered KM116 is modified by the addition of the following:

Part diverted by the Kent County Council (Public Footpath KM116 (part) at Boughton Monchelsea) Public Path Diversion and Definitive Map and Statement Modification Order 2016 with a width of 2.5 metres for the new length of path except at the points C and D as shown on the Order Plan, where the width reduces to 2.2 metres.

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH KM116 (PART) at BOUGHTON MONCHELSEA)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2016