IN THE CITY OF CANTERBURY

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRY SIDE ACT 1981

THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH CW11 (part), ST COSMUS & ST DAMIEN IN THE BLEAN AND WHITSTABLE)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2017

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 and the public, it is expedient that the line of public footpath CW11 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 153 (TR16SW)) 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:

Canterbury City 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 St Cosmus & St Damien in the Blean and Whitstable, 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 153 (TR16SW)) 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 Whitstable 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 153 (TR16SW)) shall be modified by adding the path to it.

3A. The Definitive Statement for the County of Kent (Map Sheet 153 (TR16SW)) shall be modified as described in Part IV of the schedule to this Order.
GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS DECEMBER IN THE YEAR TWO THOUSAND AND SEVENTEEN.

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

[Signature: D.J. BURRH 
DENISE BURRIK]

Authorised Signatory
SCHEDULE

PART I:
DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of public footpath numbered CW11 which commences approximately 566 metres south of its connection with Bogshole Lane at NGR TR 1146 6323 (point A), and runs generally south for approximately 1115.0 metres to its connection with Honey Hill (A290) at NGR TR 1139 6216 (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 CW11, with a width of 1.5 metres, which commences at the aforementioned point A and runs generally west-south-west for approximately 610 metres to its connection with Pean Hill (A290) at NGR TR 1087 6310 (point C), between the points A-C on the Order plan. There will be a footbridge at point C connecting the path to the road.

PART III:
LIMITATIONS AND CONDITIONS

None.

PART IV:
MODIFICATION OF DEFINITIVE STATEMENT

The entry for Public Footpath CW11 is modified by the addition of the following:

Part diverted by the Kent County Council (Public Footpath CW11 (part), St Cosmus & St Damien in the Blean and Whitstable) Public Path Diversion and Definitive Map and Statement Modification Order 2017 with a width of 1.5 metres for the new length of path. There is a footbridge at point C.

Connections remain unchanged.

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH CW11 (part), ST COSMUS & ST DAMIEN IN THE BLEAN AND WHITSTABLE)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017
IN THE CITY OF CANTERBURY
NOTICE OF PUBLIC PATH ORDER
HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH CW11 (part), ST COSMUS & ST DAMIEN IN THE BLEAN AND WHITSTABLE)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017

The above named Order made on 27th January 2017 under Section 119 of the Highways Act 1980 will divert the entire width of that length of public footpath numbered CW11 which commences 566 metres south of its connection with Bogshole Lane at NGR TR 1146 6323 (point A), and runs south for 1115.0 metres to its connection with Honey Hill (A290) at NGR TR 1139 6216 (point B), between the points A-B on the Order plan, and will add a new length of public footpath numbered CW11, with a width of 1.5 metres, which commences at the aforementioned point A and runs west-south-west for 610 metres to its connection with Pean Hill (A290) at NGR TR 1087 6310 (point C), between the points A-C on the Order plan. There will be a bridge at point C connecting the path to the road.

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 Canterbury City Council, Military Road, Canterbury, Kent, CT1 1YW 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 24th March 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

Dated: 24th February 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 CW11 (part), ST COSMUS & ST DAMIEN IN THE BLEAN AND WHITSTABLE)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017

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 CW11 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 as the current Definitive line of the path cannot be walked in at least three places as it has been lost to erosion by the river running adjacent to it. The landowner has offered this diversion proposal as a gesture of goodwill as an alternative for the public to use. This proposal links to the same highway (A290), albeit further north-west of its current connection point, and provides a good link to public footpath CW85, on the opposite side of the A290, offering a safe link to the public rights of way network beyond.

Kent County Council is satisfied that the proposed new route is in the interest of the landowner and the public. 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 24th March 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 & Access Service
Invicta House
County Hall
Maidstone
Kent, ME14 1XX

THIS STATEMENT DOES NOT FORM PART OF THE ORDER