IN THE DISTRICT OF DOVER
HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH ER80 and ER81 (PART) SHEPHERDSWELL WITH COLDRED)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2017

The above named Order made on the sixteenth day of February 2017 under Section 119 of the Highways Act 1980 will divert (1) the entire width of that length of Public Footpath numbered ER80 Commencing from the point where it connects with Public Footpaths ER 81 and ER 298 at Grid Reference TR 2591 4780 (Point A) and running in a west south westerly direction for 80 metres to the junction with Coxhill Road at NGR TR2563 4774 (Point D). As shown between the points A and D on the Order Plan; (2) The entire width of that length of Public Footpath numbered ER81 commencing from the previously described Point A (NGR TR2591 4780) and its connection with Public Footpath ER80 and ER 298 and running for 230 metres in a west through west-north-westerly direction to connect with the steps leading to Coxhill Road at Point C (NGR TR2568 4785). As shown between the points A and C on the Order Plan; and will provide: (1) A new length of Public Footpath numbered ER80 with a width of 2 metres commencing at the aforementioned point D (NGR TR2563 4774) and then running in a north-north easterly direction for 120 metres along the eastern side of the boundary hedge to connect with Public Footpath ER81 at the top of the steps which lead to Coxhill Road (Point C NGR TR2568 4785). As shown between the points D and C on the Order Plan; (2) A new length of Public Footpath numbered ER81 with a width of 2 metres commencing from the aforementioned Point A (TR TR2591 4780) and the connection with Public Footpath ER298 and running in a north westerly direction along the southern side of the field boundary for 218 metres (Point B NGR TR2572 4790) where the path turns in a south eastern direction to follow the eastern side of the boundary hedge for 62 metres to connect with the steps leading to Coxhill Road (Point C NGR TR2568 4785). As shown between the points A, B and C 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 Dover District Council, Council Offices, 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 Mr Chris Wade at the Kent County Council (address as below), (Tel: 03000 413475) (Email: chris.wade@kent.gov.uk) not later than 14th April 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: 17th March 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 ER80 and ER81 (PART) SHEPHERDSWELL WITH COLDRED)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER 2017

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 Public Footpath ER80 and Part of ER81 at Shepherdswell under section 119 of the Highways Act 1980. This statement has been prepared to explain various aspects of the Order.

This application has been made by Messrs Strutt and Parker on behalf of their clients The Church Commissioners. The proposal is to divert Footpath ER80 and Footpath ER81 along the edge of the field as marked on the Order plan. The proposed diversion would follow a well-trodden course already favoured by the public. With the recent creation of Public Footpath ER298 it is clear that this course will be continued to be used. Currently both ER80 and ER81 dissect the field and cause significant disruption to farming operations. The proposed diversions would overcome such problems. The proposal will also formalise the current informal arrangement.

The applicant has agreed to provide a new path with a width of 2 metres although much of the route follows a wider track. The County Council is satisfied that the landowner has set out constructive reasoning as to why it is expedient to divert sections of this path. In the County Council’s view, the proposed diversion would alleviate problems for the applicant and would not be in any way substantially less convenient to the public.

The Order will come into force only after the County Council has confirmed the Order; 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 Chris Wade, on 03000 413475.

Objections or representations relating to the Order must be made in writing to Mr. Chris Wade at the address below or by email to chris.wade@kent.gov.uk no later than the 14th April 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 then takes either written representations or hears 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 DISTRICT OF DOVER

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH ER80 and ER81 (PART) SHEPHERDSWELL WITH COLDRED)
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 footpaths described in Part 1 of this Order it is expedient that the lines of Public Footpaths ER80 and ER81 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 162 TR24NE) 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:

Dover District Council has been consulted as required by Section 120 (2) of the 1980 Act;

BY THIS ORDER:-

1. The public rights of way over the land situate at Shepherdswell with Coldred 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 after twenty eight days from the date of confirmation of this Order and thereupon the Definitive Map for the County of Kent (Map Sheet 162 TR24NE) shall be modified by deleting from it those public rights of way.

2. The relevant date of this Order will be as specified in paragraph 1.

3. There shall be twenty eight days from the date of confirmation of this Order Public Footpaths over the land situate at Shepherdswell with Coldred 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 162 TR24NE) shall be modified by adding the paths to it.

3A. The definitive statement for the County of Kent (Map Sheet 162 TR24NE) shall be modified as described in Part IV of the schedule to this Order.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS SIXTEENTH
DAY OF FEBRUARY IN THE YEAR TWO THOUSAND AND SEVENTEEN.

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

[Signature]

Authorised Signatory

J A Sco CFC Sc

13/4/2017
SCHEDULE

PART I

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

(1) The entire width of that length of Public Footpath numbered ER80 Commencing from the point where it connects with Public Footpaths ER 81 and ER 298 at Grid Reference TR 2591 4780 (Point A) and running in a generally west south westerly direction for approximately 280 metres to the junction with Coxhill Road at NGR TR2563 4774 (Point D). As shown between the points A and D on the Order Plan.

(2) The entire width of that length of Public Footpath numbered ER81 commencing from the previously described Point A (NGR TR2591 4780) and its connection with Public Footpath ER80 and ER 298 and running for approximately 230 metres in a west through west-north-westerly direction to connect with the steps leading to Coxhill Road at Point C (NGR TR2568 4785). As shown between the points A and C on the Order Plan.

PART II

DESCRIPTION OF SITE OF NEW PATH OR WAY

(1) A new length of Public Footpath numbered ER80 with a width of 2 metres commencing at the aforementioned point D (NGR TR2563 4774) and then running in a north-north easterly direction for approximately 120 metres on the eastern side of the boundary hedge to connect with Public Footpath ER81 at the top of the steps which lead to Coxhill Road (Point C NGR TR2568 4785). As shown between the points D and C on the Order Plan.

(2) A new length of Public Footpath numbered ER81 with a width of 2 metres commencing from the aforementioned Point A (TR TR2591 4780) and the connection with Public Footpath ER298 and running in a generally north westerly direction along the southern side of the field boundary for approximately 218 metres (Point B NGR TR2572 4790) where the path turns in a generally south eastern direction to follow the eastern side of the boundary hedge for 62 metres to connect with the steps leading to Coxhill Road (Point C NGR TR2568 4785). As shown between the points A, B and C on the Order Plan.

PART III

LIMITATIONS AND CONDITIONS

None

PART IV

MODIFICATION OF DEFINITIVE STATEMENT

The entries for public footpaths numbered ER80 and ER81 are both modified by the addition of the following:
Diverted by the Kent County Council (Public Footpath ER80 and ER81 (part) Shepherdswell with Coldred) Public Path Diversion and Definitive Map and Statement Modification Order 2017. The new length of path will have a width of 2 metres. The entry for ER80 is modified by deleting the connection to Public Footpath ER298.

The entry for ER298 is modified by deleting the connection to Public Footpath ER80.

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH ER80 AND ER81 (PART) SHEPHERDSEWLL WITH COLDRED)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017