

**IN THE BOROUGH OF TONBRIDGE AND MALLING**

**NOTICE OF PUBLIC PATH ORDER**

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE KENT COUNTY COUNCIL  
(PUBLIC FOOTPATH MR522 (PARTS) EAST PECKHAM, PUBLIC FOOTPATH MR364  
(PART) WEST PECKHAM & EAST PECKHAM AND PUBLIC FOOTPATH MR365 (PART)  
WEST PECKHAM)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2017**

The above named Order made on 21<sup>ST</sup> December 2017 under Section 119 of the Highways Act 1980 will divert the entire width of (a) that length of Public Footpath MR522 commencing at NGR TQ 6493 5148 (Point A on the order plan) and running in a south south westerly direction for 30 metres before running in an east north easterly direction for 44 metres to NGR TQ 6497 5146 (Point B) (as shown between the points A-B on the order plan) ; (b) that length of Public Footpath MR522 commencing at NGR 6512 5134 (Point C) and running in a south south easterly direction for 106 metres to TQ 6515 5124 (Point D) (as shown between the points C-D on the order plan) ; (c) that length of Public Footpath MR364 commencing at NGR TQ 6464 5158 (Point H) and running in a south south easterly direction for 39 metres before running in a easterly direction for 47 metres to NGR TQ 6471 5154 (Point I) (as shown between the points H-I on the order plan); and (d) that length of Public Footpath MR365 commencing at NGR TQ 6470 5186 (Point K) and running in a south south easterly direction for 128 metres to NGR TQ 6472 5173 (Point L) (as shown between the points K-L on the order plan) and will add new lengths of public footpaths (a) numbered MR522 with a width of 2.0 metres commencing at NGR TQ 6493 5148 (aforementioned Point A) and running in an east south easterly direction for 44 metres to NGR TQ 6497 5146 (aforementioned Point B) (as shown between the points A-B on the order plan); (b) numbered MR522 with a width of 2.5 metres commencing at NGR TQ 6512 5134 (Point C) and running in an east south easterly direction for 100 metres to NGR TQ 6519 5128 (Point G on the order plan) (as shown between the points C-E-F-G on the order plan); (c) numbered MR364 with a width of 2.0 metres commencing at NGR TQ 6464 5158 (aforementioned Point H) and running in an east north easterly direction for 82 metres to NGR TQ 6472 5160 (Point J on the order plan) (as shown between the points H-J on the order plan); and (d) numbered MR365 with a width of 2.0 metres commencing at NGR TQ 6470 5186 (aforementioned point K) and running in a south south westerly direction for 70 metres before running in a south south easterly direction for 66 metres to NGR TQ 6472 5173 (aforementioned Point L) (as shown between the points K-L 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 Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling Kent, ME19 4LZ 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 £10.

**Any representation about or objection to the Order may be sent in writing to William Barfoot at the Kent County Council, PROW & Access Service, Invicta House, Maidstone,**

**Kent, ME14 1XX. (Tel: 03000 418674 ) (email: [william.barfoot@kent.gov.uk](mailto:william.barfoot@kent.gov.uk) ) not later than 23<sup>rd</sup> February 2018. 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: 26<sup>th</sup> January 2018

**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 MR522 (PARTS) EAST PECKHAM, PUBLIC FOOTPATH MR364 (PART) WEST PECKHAM & EAST PECKHAM AND PUBLIC FOOTPATH MR365 (PART) WEST PECKHAM) 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 parts of Public Footpath MR522 at East Peckham, part of Public Footpath MR364 a West Peckham & East Peckham, and part of Public Footpath MR365 at West Peckham 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 landowners in whose interests it is to divert the path. The current definitive line of MR522 passes through one of the landowner's gardens which has an impact on their privacy and security. The proposal seeks to re-route the footpath along the edge of the garden further away from the property. A further section of MR522 deviates round a historic obstruction, which is no longer required. Part of Public Footpath MR364 is proposed to be diverted to allow for the network to match the existing track on the ground and part of Public Footpath MR365 is proposed to be diverted to the field edge to increase the amount of farmland available to the landowner. It is not considered that the proposals 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](mailto:william.barfoot@kent.gov.uk) no later than Friday 23<sup>rd</sup> February 2018**

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**

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WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE KENT COUNTY COUNCIL  
(PUBLIC FOOTPATH MR522 (PARTS) EAST PECKHAM, PUBLIC FOOTPATH MR364  
(PART) WEST PECKHAM & EAST PECKHAM AND PUBLIC FOOTPATH MR365  
(PART) WEST PECKHAM)  
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 owners of the land crossed by the footpaths described in paragraph 1 of this Order it is expedient that the line of Public Footpath MR522 (parts), East Peckham, Public Footpath MR364 (part) West Peckham & East Peckham and Public Footpath MR365 (part) West Peckham 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 Sheets 038 (TQ65SW) and 040 (TQ65SE)) 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.

Tonbridge and Malling Borough Council has been consulted as required by Section 120(2) of the 1980 Act;

**BY THIS ORDER:**

1. The public right of ways over the land situated at West Peckham and East Peckham and shown by bold continuous lines on the attached map contained in the Order and described in Part I of the schedule to this Order shall be stopped up after 28 days from the date of confirmation of the Order and thereupon the Definitive Map for the County of Kent (Map Sheets 038 (TQ65SW) and 040 (TQ65SE)) shall be modified by deleting from it those public right of ways.
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 the Order Public Footpaths over the land situated at West Peckham and East Peckham described in Part II of the schedule and shown by bold broken lines on the Map contained in this Order, and thereupon the Definitive Map for the County of Kent (Map Sheets 038 (TQ65SW) and 040 (TQ65SE)) shall be modified by adding the paths to it.

3A. The Definitive Statement for the County of Kent (Map Sheets 038 (TQ65SW) and 040 (TQ65SE)) shall be modified as described in Part IV of the schedule to this Order.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS <sup>21<sup>st</sup></sup> DAY OF DECEMBER IN THE YEAR TWO THOUSAND AND SEVENTEEN

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

*Jason*  
.....

**Authorised Signatory**

JASON OFOSU



*11/20/2017*

## **SCHEDULE**

### **PART I: DESCRIPTION OF SITE OF EXISTING PATH OR WAY**

The entire width of (a) that length of Public Footpath MR522 commencing at NGR TQ 6493 5148 (Point A on the order plan) and running in a generally south south westerly direction for approximately 30 metres before running in a generally east north easterly direction for approximately 44 metres to NGR TQ 6497 5146 (Point B) (as shown between the points A-B on the order plan) ; (b) that length of Public Footpath MR522 commencing at NGR 6512 5134 (Point C) and running in a generally south south easterly direction for approximately 106 metres to TQ 6515 5124 (Point D) (as shown between the points C-D on the order plan) ; (c) that length of Public Footpath MR364 commencing at NGR TQ 6464 5158 (Point H) and running in a generally south south easterly direction for approximately 39 metres before running in a generally easterly direction for approximately 47 metres to NGR TQ 6471 5154 (Point I) (as shown between the points H-I on the order plan); and (d) that length of Public Footpath MR365 commencing at NGR TQ 6470 5186 (Point K) and running in a generally south south easterly direction for approximately 128 metres to NGR TQ 6472 5173 (Point L) (as shown between the points K-L on the order plan).

### **PART II: DESCRIPTION OF SITE OF NEW PATH OR WAY**

New lengths of public footpaths (a) numbered MR522 with a width of 2.0 metres commencing at NGR TQ 6493 5148 (aforementioned Point A) and running in a generally east south easterly direction for approximately 44 metres to NGR TQ 6497 5146 (aforementioned Point B) (as shown between the points A-B on the order plan; (b) numbered MR522 with a width of 2.5 metres commencing at NGR TQ 6512 5134 (Point C) and running in a generally east south easterly direction for approximately 100 metres to NGR TQ 6519 5128 (Point G on the order plan) (as shown between the points C-E-F-G on the order plan); (c) numbered MR364 with a width of 2.0 metres commencing at NGR TQ 6464 5158 (aforementioned Point H) and running in a generally east north easterly direction for approximately 82 metres to NGR TQ 6472 5160 (Point J on the order plan) (as shown between the points H-J on the order plan); and (d) numbered MR365 with a width of 2.0 metres commencing at NGR TQ 6470 5186 (aforementioned point K) and running in a generally south south westerly direction for approximately 70 metres before running in a generally south south easterly direction for approximately 66 metres to NGR TQ 6472 5173 (aforementioned Point L) (as shown between the points K-L on the order plan).

### **PART III: LIMITATIONS AND CONDITIONS**

None

**PART IV:  
MODIFICATION OF DEFINITIVE STATEMENT**

*The entry for **Public Footpath MR522** is modified by the addition of the following:*

Parts Diverted by The Kent County Council (Public Footpath MR522 (Parts) East Peckham, Public Footpath MR364 (Part) West Peckham & East Peckham and Public Footpath MR365 (Part) West Peckham) Public Path Diversion and Definitive Map and Statement Modification Order 2017 with a width of 2.0 metres for the new length of path between NGR TQ 6493 5148 and NGR TQ 6497 5146 and with a width of 2.5 metres for the new length of path between NGR TQ 6512 5134 and NGR TQ 6519 5128.

*The entry for **Public Footpath MR364** is modified by the addition of the following:*

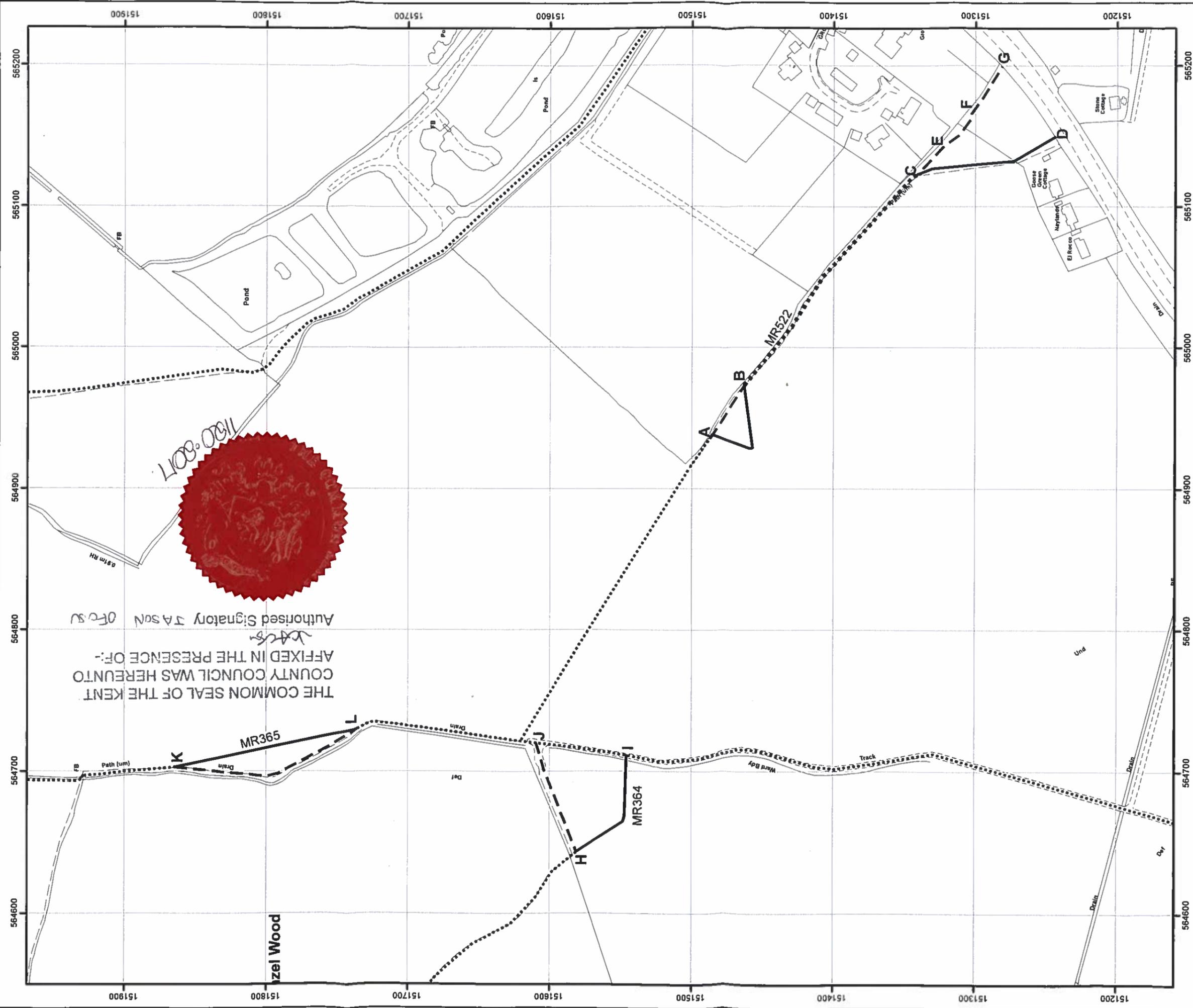
Part Diverted by The Kent County Council (Public Footpath MR522 (Parts) East Peckham, Public Footpath MR364 (Part) West Peckham & East Peckham and Public Footpath MR365 (Part) West Peckham) Public Path Diversion and Definitive Map and Statement Modification Order 2017 with a width of 2.0 metres for the new length of path.

*The entry for **Public Footpath MR365** is modified by the addition of the following:*

Part Diverted by The Kent County Council (Public Footpath MR522 (Parts) East Peckham, Public Footpath MR364 (Part) West Peckham & East Peckham and Public Footpath MR365 (Part) West Peckham) Public Path Diversion and Definitive Map and Statement Modification Order 2017 with a width of 2.0 metres for the new length of path.

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE KENT COUNTY COUNCIL  
(PUBLIC FOOTPATH MR522 (PARTS) EAST PECKHAM, PUBLIC FOOTPATH MR364  
(PART) WEST PECKHAM & EAST PECKHAM AND PUBLIC FOOTPATH MR365  
(PART) WEST PECKHAM)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2017**



THE COMMON SEAL OF THE KENT COUNTY COUNCIL WAS HERETO AFFIXED IN THE PRESENCE OF:-  
*WJS*  
 Authorised Signatory JASON OFCS



<b>Key</b> Route to be diverted New Length of route Unaffected Routes	<b>THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH MR522 (PART) EAST PECKHAM, PUBLIC FOOTPATH MR364 (PART) WEST PECKHAM &amp; EAST PECKHAM AND PUBLIC FOOTPATH MR365 (PART) WEST PECKHAM) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017</b> Produced by the KCC Public Rights of Way and Access Service. © Crown Copyright and database right 2013. Ordnance Survey 100019238		
	Created by:	WJB	0 Kilometres 0.175 0.35 0 Miles 0.075 0.15 Public Rights of Way and Access Service
	Checked by:	CW	
Reference:	PROWMR522/1466	1:2,500 	