The above named Order made on 5th February 2018 under Section 119 of the Highways Act 1980 will divert the entire width of that length of Public Footpath numbered HE190 which commences at NGR TR 2128 4188 (Point A on the Order plan) and runs in an east south easterly direction for 35 metres to NGR TR 2132 4187 before running in a north easterly direction for 112 metres to NGR TR 2141 4193 and then running in a north north easterly direction for 335 metres to NGR TR 2155 4223 (Point B). (Between the points A-B on the Order plan) and will add a new length of Public Footpath numbered HE190 which commences at NGR TR 2128 4188 (aforementioned Point A on the Order Plan) and runs in a north north easterly direction for 131 metres to NGR TR 2133 4200 (Point D) before running in an east north easterly direction for 64 metres to NGR TR 2139 4202 (Point E) and then running in a north easterly direction for 272 metres to NGR TR 2155 4223 (aforementioned Point B). (Between the points A-C-D-E-B on the Order plan).

The new length of footpath will have a width of 2.5 metres between points A-C-D-E and a width of 2.0 metres between points E and B.

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 Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY 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) not later than 30th March 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If no such representations or objections are duly made, or if any so made are withdrawn, the Kent County Council may confirm the Order as an unopposed Order.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to the Secretary of State for the Environment for confirmation any representations and objections which have not been withdrawn will be sent with the Order.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: 2nd March 2018
STATEMENT TO ACCOMPANY
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH HE190 (PART) SWINGFIELD)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2018

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 HE190 at Swingfield 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 one of the landowners in whose interests it is to divert the path, with agreement from the other affected landowners. The current definitive line of the path passes through a garden, diagonally across a paddock and along the rear of the boundary of the residential property. The applicant wishes to divert the path further away from the residential property as anti-social behaviour from some footpath users has had a considerable effect on the applicant’s privacy and enjoyment of their garden. 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 30th March 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
IN THE DISTRICT OF SHEPWAY

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH HE190 (PART) SWINGFIELD)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2018

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 footpath HE190 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 159 (TR24SW)) 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.

Shepway District 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 situated at Swingfield 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 28 days from the date of confirmation of the Order and thereupon the Definitive Map for the County of Kent (Map Sheet 159 (TR24SW)) 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 the Order a public footpath over the land situated at Swingfield 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 159 (TR24SW)) shall be modified by adding the path to it.

3A. The Definitive Statement for the County of Kent (Map Sheet 159 (TR24SW)) shall be modified as described in Part IV of the schedule to this Order.
GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 5th DAY OF
FEBRUARY IN THE YEAR TWO THOUSAND AND EIGHTEEN

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

D J BURKE
Denise J BURKE
Authorised Signatory
SCHEDULE

PART I:
DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of public footpath numbered HE190 which commences at NGR TR 2128 4188 (Point A on the Order plan) and runs in a generally east south easterly direction for approximately 35 metres to NGR TR 2132 4187 before running in a generally north easterly direction for approximately 112 metres to NGR TR 2141 4193 and then running in a generally north north easterly direction for approximately 335 metres to NGR TR 2155 4223 (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 HE190 which commences at NGR TR 2128 4188 (aforementioned Point A on the Order Plan) and runs in a generally north north easterly direction for approximately 131 metres to NGR TR 2133 4200 (Point D) before running in a generally east north easterly direction for approximately 64 metres to NGR TR 2139 4202 (Point E) and then running in a generally north easterly direction for approximately 272 metres to NGR TR 2155 4223 (aforementioned Point B). (Between the points A-C-D-E-B on the Order plan).

The new length of footpath will have a width of 2.5 metres between points A-C-D-E and a width of 2.0 metres between points E and B.

PART III:
LIMITATIONS AND CONDITIONS

None

PART IV:
MODIFICATION OF DEFINITIVE STATEMENT

The entry for Public Footpath HE190 is modified by the addition of the following:

Part Diverted by the Kent County Council (Public Footpath HE190 (part) Swingfield) Public Path Diversion and Definitive Map and Statement Modification Order 2018 with a width of 2.5 metres between NGR TR 2128 4188 and NGR TR 2139 4202 and a width of 2.0 metres between NGR TR 2139 4202 and NGR TR 2155 4223.

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH HE190 (PART) SWINGFIELD)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2018