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 118 and 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 grounds for an extinguishment are that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use. It should, however, be noted that section 118 also provides that the Highways Authority is satisfied that it is expedient so to do having regard to the extent (if any) to which it appears that the path would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have on land served by the path.

The Kent County Council has made an Order to divert part of Public Footpath WC318 and WC315 at Benenden under section 119 of the Highways Act 1980, and an Order to extinguish part of Public Footpath WC319 at Benenden under section 118 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 in whose interests it is to divert the paths. The current definitive line of the paths passes directly through the heart of the school and run closely to buildings used by the pupils for school and accommodation. The order seeks to re-route the footpath around these buildings to the side of the heart of the school increasing the security and privacy of the young students who attend the school. The proposal has been subject to two informal consultations. It is not considered that the proposal would have a negative impact upon the public enjoyment of the route or that the proposed new route will be substantially less convenient than the existing.

Should the diversion order be confirmed, then it will leave a section of Public Footpath WC319 as a cul-de-sac route. Therefore, an order to extinguish part of Public Footpath WC319 has been made which would remove the cul-de-sac section whilst leaving the remaining length of WC319 unaffected.

The Orders will come into force only after the County Council has confirmed the Orders; 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
Any representation about or objection to the Orders 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 25th May 2018. Please state the grounds on which they are made.

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 TUNBRIDGE WELLS

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATHS WC318 (PART) and WC315 (PART) BENENDEN )
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2018

The above named order made on the 4th April 2018 under Section 119 of the Highways Act 1980 will divert the entire width of (a) that length of Public Footpath numbered WC318 commencing at NGR TQ 8061 3431 (Point A on the Order Plan) and running in a south south westerly direction for 156 metres to NGR TQ 8055 3417 and then in an easterly direction for 51 metres to NGR TQ 8060 3416 (Point B). As shown by a solid line between the points A and B on the Order Plan and (b) the entire width of that length of Public Footpath numbered WC315 commencing at NGR TQ 8058 3409 (Point C) and running in a south westerly direction for 298 metres to NGR TQ 8042 3384 and then in a south south westerly direction for 100 metres to NGR TQ 8039 3375 and then in a south westerly direction for 43 metres to NGR TQ 8035 3373 (Point D). As shown by a solid line between the points C and D on the Order Plan

The order will add new lengths of Public Footpath with a width of 2.0 metres, (a) numbered WC318 commencing at NGR TQ 8061 3431 (aforementioned Point A) and running in a southerly direction for 45 metres and then in a south south easterly direction for 50 metres to NGR TQ 8062 3422 and then in a south south westerly direction for 61 metres to NGR TQ 8060 3416 (Point B). As shown by a broken line between the points A and B on the Order Plan and (b) numbered WC315 commencing at NGR TQ 8058 3409 (Point C) and running in a south easterly direction for 34 metres to NGR TQ 8061 3406 and then in a south south easterly direction for 157 metres to NGR TQ 8065 3392 (Point E), and then in a south south westerly direction for 76 metres to NGR TQ 8062 3384 (Point G), and then following an existing section of Public Footpath WC319 for 72 metres to NGR TQ 8064 3377 (Point H) (Between Points G and H) to then run in a south westerly direction for 97 metres to NGR TQ 8055 3373 and then in a west south westerly direction for 145 metres to NGR TQ 8041 3372 (Point I), and then in a north westerly direction for 16 metres to NGR TQ 8040 3373 before turning in a north westerly direction for 50 metres to rejoin the existing line of WC315 at NGR TQ 8035 3372 (Point D). As shown by the broken line between the points C-E-F-G and H-I-D.

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 Tunbridge Wells Borough Council, Town Hall, Tunbridge Wells, Kent, TN1 1RS 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 25th May 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: 27th April 2018
IN THE BOROUGH OF TUNBRIDGE WELLS

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATHS WC318 (PART) and WC315 (PART) BENENDEN )
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 footpaths described in paragraph 1 of this Order it is expedient that the line of Public Footpaths WC318 and WC315 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 074 (TQ83SW)) 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.

Tunbridge Wells 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 situated at Benenden 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 Sheet 074 (TQ83SW)) shall be modified by deleting from it those 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, Public Footpaths over the land situated at Benenden 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 074 (TQ83SW)) shall be modified by adding the paths to it.

3A. The Definitive Statement for the County of Kent (Map Sheet 074 (TQ83SW)) shall be modified as described in Part IV of the schedule to this Order.
GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 4th DAY OF APRIL IN THE YEAR TWO THOUSAND AND EIGHTEEN

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

................................................
Authorised Signatory \__\__/3/2018

SARAH WILSON
SCHEDULE

PART I:
DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of (a) that length of Public Footpath numbered WC318 commencing at NGR TQ 8061 3431 (Point A on the Order Plan) and running in a generally south south westerly direction for approximately 156 metres to NGR TQ 8055 3417 and then in a generally easterly direction for approximately 51 metres to NGR TQ 8060 3416 (Point B). As shown by a solid line between the points A and B on the Order Plan.

And (b) the entire width of that length of Public Footpath numbered WC315 commencing at NGR TQ 8058 3409 (Point C) and running in a generally south westerly direction for approximately 298 metres to NGR TQ 8042 3384 and then in a generally south south westerly direction for approximately 100 metres to NGR TQ 8039 3375 and then in a generally south westerly direction for approximately 43 metres to NGR TQ 8035 3373 (Point D). As shown by a solid line between the points C and D on the Order Plan.

PART II:
DESCRIPTION OF SITE OF NEW PATH OR WAY

New lengths of Public Footpath with a width of 2.0 metres, (a) numbered WC318 commencing at NGR TQ 8061 3431 (aforementioned Point A) and running in a generally southerly direction for approximately 45 metres and then in a generally south south easterly direction for approximately 50 metres to NGR TQ 8062 3422 and then in a generally south south westerly direction for approximately 61 metres to NGR TQ 8060 3416 (Point B). As shown by a broken line between the points A and B on the Order Plan.

And (b) numbered WC315 commencing at NGR TQ 8058 3409 (Point C) and running in a generally south easterly direction for approximately 34 metres to NGR TQ 8061 3406 and then in a generally south south easterly direction for approximately 157 metres to NGR TQ 8065 3392 (Point E), and then in a generally south south westerly direction for approximately 76 metres to NGR TQ 8062 3384 (Point G), and then following an existing section of Public Footpath WC319 for approximately 72 metres to NGR TQ 8064 3377 (Point H) (Between Points G and H) to then run in a generally south westerly direction for approximately 97 metres to NGR TQ 8055 3373 and then in a generally west south westerly direction for approximately 145 metres to NGR TQ 8041 3372 (Point I), and then in a generally north westerly direction for approximately 16 metres to NGR TQ 8040 3373 before turning in a generally north westerly direction for approximately 50 metres to rejoin the existing line of WC315 at NGR TQ 8035 3373 (Point D). As shown by the broken line between the points C-E-F-G and H-I-D.
PART III:
LIMITATIONS AND CONDITIONS

None

PART IV:
MODIFICATION OF DEFINITIVE STATEMENT

The entry for Public Footpath WC318 is modified by the addition of the following:

Part diverted by The Kent County Council (Public Footpaths WC318 (Part) And WC315 (Part) Benenden ) Public Path Diversion And Definitive Map And Statement Modification Order 2018 with a width of 2.0 metres for the new length of path.

The entry for Public Footpath WC315 is modified by the addition of the following:

Part diverted by The Kent County Council (Public Footpaths WC318 (Part) And WC315 (Part) Benenden ) Public Path Diversion And Definitive Map And Statement Modification Order 2018 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 FOOTPATHS WC318 (PART) and WC315 (PART) BENENDEN )
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2018
IN THE BOROUGH OF TUNBRIDGE WELLS

NOTICE OF PUBLIC PATH ORDER

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH WC319 (PART) BENENDEN)
PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2018

The above named Order made on the 4th April 2018 under Section 118 of the Highways Act 1980 will extinguish the entire width of that length of Public Footpath WC319 which commences at NGR TQ 8053 3395 (Point A on Order Plan) and runs in a south easterly direction for 102 metres to NGR TQ 8061 3389 and then runs in a south south easterly direction for 52 metres to NGR TQ 8062 3384 (Point B). As shown on the order plan by a solid line between points A 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 Tunbridge Wells Borough Council, Town Hall, Tunbridge Wells, Kent, TN1 1RS or at the Kent County Council, Countryside Access Service, Invicta House, Maidstone, Kent, ME14 1XX. 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 25th May 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 to the Order (or to any part of it), 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: 27th April 2018

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This Notice can be removed after 25th May 2018
IN THE BOROUGH OF TUNBRIDGE WELLS

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH WC319 (PART) BENENDEN)
PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2018

This Order is made by the Kent County Council under Section 118 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that the Public Footpath described in paragraph 1 below is not needed for public use, and thereupon the Definitive Map and Statement (Map Sheet 074 (TQ83SW)) for the County of Kent shall be modified accordingly.

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 (Map Sheet 074 (TQ83SW)) for the County of Kent requires modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.

Tunbridge Wells 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 situated at Benenden and shown by a continuous bold line on the attached map contained in the Order and described in 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 074 (TQ83SW)) 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. The Definitive Statement for the County of Kent (Map Sheet 074 (TQ83SW)) shall be modified as described in Part 2 of the schedule to the Order.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS
DAY OF APRIL IN THE YEAR TWO THOUSAND AND EIGHTEEN.

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

Authorised Signatory

[Signature]

[Stamp]
SCHEDULE

PART 1

DESCRIPTION OF ROUTE TO BE EXTINGUISHED

The entire width of that length of Public Footpath WC319 which commences at NGR TQ 8053 3395 (Point A on Order Plan) and runs in a generally south easterly direction for approximately 102 metres to NGR TQ 8061 3389 and then runs in a south south easterly direction for approximately 52 metres to NGR TQ 8062 3384 (Point B). As shown on the order plan by a solid line between points A and B.

PART II

MODIFICATION OF DEFINITIVE STATEMENT

The entry for Public Footpath WC319 is modified by the addition of the following: -

Part extinguished by The Kent County Council (Public Footpath WC319 (Part) Benenden) Public Path Extinguishment And Defintive Map And Statement Modification Order 2018

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH WC319 (PART) BENENDEN)
PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2018