IN THE BOROUGH OF MAIDSTONE
WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT

THE KENT COUNTY COUNCIL
(RESTRICTED BYWAY KB12A AT MAIDSTONE)
DEFINITIVE MAP MODIFICATION ORDER 2018

This Order is made by the Kent County Council ("the Authority") under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the Authority that map sheet 060 (TQ75SW) of the Definitive Map and Statement for the County of Kent requires modification in consequence of the occurrence of an event specified in section 53(3)(c)(i), namely the discovery of evidence by the Authority which shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to such that the land over which the right subsists is a public path or a restricted byway or, subject to section 54A, a Byway Open to All Traffic.

The Authority has consulted with every local authority whose area includes the land to which the Order relates.

The Kent County Council hereby orders that:

1. For the purpose of this Order the relevant date is the First day of March 2018.

2. Sheet 060 (TQ75SW) of the Definitive Map for the County of Kent and its associated Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to this Order.

3. This Order shall take effect on the date it is confirmed and may be cited as the "The Kent County Council (Restricted Byway KB12A at Maidstone) Definitive Map Modification Order 2018".

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 29th DAY OF MARCH IN THE YEAR TWO THOUSAND AND EIGHTEEN

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

[Signature]

[Signature]

AUTHORISED SIGNATORY
SCHEDULE

PART I: MODIFICATION OF DEFINITIVE MAP

Description of path to be added

The effect of the Order is to add a Restricted Byway numbered KB12A, which commences at its junction with Public Footpath KB12, Hackney Road and Upper Fant Road at NGR TQ 7432 5456 (point A), and runs generally east-south-east for approximately 268.0 metres to its connection with the Medway Tow Path Cycle Track, formerly known as Public Footpath KB11, at NGR TQ 7455 5444 (point B), between points A and B on the Order plan. The route has a width of 2.4 metres, increasing to 2.7 metres where it passes under the railway bridge.

PART II: MODIFICATION OF DEFINITIVE STATEMENT

A new entry is added to the Definitive Statement as follows:

KB12A – Restricted Byway
Connections – KB12, Hackney Road, Upper Fant Road, Medway Tow Path Cycle Track (formerly known as KB11)

Added by the Kent County Council (Restricted Byway KB12A at Maidstone) Definitive Map Modification Order 2018. The route has a width of 2.4 metres, increasing to 2.7 metres where it passes under the railway bridge.

The connections item for KB12 is amended as follows:

Add: KB12A

WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL (RESTRICTED BYWAY KB12A AT MAIDSTONE) DEFINITIVE MAP MODIFICATION ORDER 2018
IN THE BOROUGH OF MAIDSTONE

NOTICE OF MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT

THE KENT COUNTY COUNCIL (RESTRICTED BYWAY KB12A AT MAIDSTONE)
DEFINITIVE MAP MODIFICATION ORDER 2018

The above Order was made on 29th March 2018 under section 53 of the Wildlife and Countryside Act 1981. If confirmed, it will modify the Definitive Map and Statement for the area by adding a Restricted Byway numbered KB12A, which commences at its junction with Public Footpath KB12, Hackney Road and Upper Fant Road at NGR TQ 7432 5456 (point A), and runs east-south-east for 268.0 metres to its connection with the Medway Tow Path Cycle Track, formerly known as Public Footpath KB11, at NGR TQ 7455 5444 (point B), between points A and B on the Order plan. The route has a width of 2.4 metres, increasing to 2.7 metres where it passes under the railway bridge.

All distances are approximate, all directions are general.

A copy of the Order and Map may be seen free of charge during normal office hours at the offices of Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ or at the Kent County Council, PROW & Access Service, Invicta House, County Hall, Maidstone, Kent ME14 1XX. Copies of the Order and Map may also be purchased there at the price of £10.

Any representation about or objection to the Order must be sent or delivered in writing to Mrs Maria McLauchlan at the Kent County Council (address as above) no later than 8th June 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, instead of submitting the Order to the Secretary of State (or part of it if the Authority has by Notice to the Secretary of State so elected under paragraph 5 of schedule 15 to the Wildlife and Countryside Act 1981) may itself confirm the Order (or that part of the Order). If the Order is sent to the Secretary of State for the Environment (in whole or in part), any representations or objections which have been duly made and not been withdrawn will be sent with it.

PROW & Access Service, Kent County Council, Invicta House, County Hall, Maidstone, Kent, ME14 1XX

Date: 27th April 2018
Under section 53(5) of the Wildlife and Countryside Act 1981, anyone may make an
application to the County Council for a modification to be made to the Definitive Map and/or
Statement. Such an application might consist of a request to record a new Public Right of Way,
to delete an existing Public Right of Way, to upgrade or downgrade the status of a route
already shown on the map, or to amend any particulars contained within the statement
accompanying the Definitive Map.

The 1981 Act states that the Highway Authority may make a Definitive Map Modification Order
to add a public right of way to the Definitive Map and Statement if it is shown that the right of
the public to use it is at least reasonably alleged to subsist.

In considering an application to add routes to the Definitive Map, it is also necessary to take
into account section 31(1) of the Highways Act 1980 which states that ‘where a way over any
land, other than a way of such character that use of it by the public could not give rise at
common law to any presumption of dedication, has been actually enjoyed by the public as of
right and without interruption for a full period of twenty years, the way is to be deemed to have
been dedicated as a highway unless there is sufficient evidence that there was no intention
during that period to dedicate it’.

The County Council has made this Definitive Map Modification Order on the basis that the
route was erroneously removed from the Definitive Map and ought to be recorded as a public
right of way. The reasons are set out in further detail in the delegated authority report which is
available on request from the Public Rights of Way Officer at the address below.

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 (telephone
number 03000 413420).

Any representation about or objection to the Order must be sent or delivered in writing to Mrs
Maria McLauchlan at Kent County Council, PROW & Access Service, Invicta House, County
Hall, Maidstone, Kent ME14 1XX. They should state the grounds on which they are made and
must be received no later than 8th June 2018.

Please note that the right of an objection 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 or spurious objections.

If any objections are made and not withdrawn, the County Council will refer the Order and
objections to the Secretary of State for the Environment, Food and Rural Affairs 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 County Council will confirm the Order itself, but it has no power to modify Orders.

THIS STATEMENT DOES NOT CONSTITUTE PART OF THE ORDER
AND IS PURELY FOR INFORMATION ONLY