

IN THE BOROUGH OF TONBRIDGE AND MALLING

NOTICE OF PUBLIC PATH ORDER

**TOWN AND COUNTRY PLANNING ACT 1990
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE KENT COUNTY COUNCIL
(RESTRICTED BYWAY MR247B (PART), WROTHAM)
PUBLIC PATH DIVERSION AND DEFINITIVE
MAP AND STATEMENT MODIFICATION ORDER 2020**

The above Order made on the 9th June 2020 under section 257 of the Town and Country Planning Act 1990 will divert the entire width of that length of restricted byway numbered MR247B which commences at NGR TQ 6189 5815 (Point A) and runs in a south-easterly through to south south-easterly direction for 222 metres to NGR TQ 6201 5797 (Point B). As shown by the solid black line between points A-B on the Order Plan and will add a new length of restricted byway numbered MR247B with a width of 4.0 metres, which commences at NGR TQ 6189 5815 (Point A) and runs in a southerly direction for 73 metres to NGR TQ 6187 5808 (Point C) and then in a west-north-westerly direction for 20 metres to NGR TQ 6186 5809 (Point D) and then continues in a south-south westerly direction for 58 metres to NGR TQ 6182 5804 (Point E) and then in a generally east-south easterly direction for 153 metres to NGR TQ 6196 5797 (Point F), continuing in an east-north-easterly direction for 22 metres to NGR TQ 6198 5798 and then in a generally east-south-easterly direction for 23 metres to NGR TQ 6201 5797 (Point B). As shown by the broken black line with v shapes in the gaps between points A-C-D-E-F-B on the Order Plan.

All directions general, all distances approximate.

Due to current restrictions Council offices are closed. Therefore, should you require a copy of the Order and plan please contact Public Rights of Way Officer William Barfoot on 03000 418674 or William.Barfoot@kent.gov.uk. The documents can also be viewed online at www.kent.gov.uk/prownotices

Any representation about or objection to the Order may be sent in writing to William Barfoot at the Kent County Council, Invicta House, Maidstone, Kent, ME14 1XX (Tel: 03000 418674) (email: william.barfoot@kent.gov.uk not later than 21st August 2020. 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: 24th July 2020



This document is available in alternative formats and can be explained in a range of languages.

STATEMENT TO ACCOMPANY

TOWN AND COUNTRY PLANNING ACT 1990 WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL (RESTRICTED BYWAY MR247B (PART), WROTHAM) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2020

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Under the Town and Country Planning Act 1990, Kent County Council has the power to make Orders to extinguish or divert footpaths and bridleways and restricted byways. Legislation affecting this proposal is contained within Section 257 of the Town and Country Planning Act 1990. The grounds for a diversion are to enable development to be carried out.

Kent County Council has made an Order to divert part of Restricted Byway MR247B under section 257 of the Town and Country Planning Act 1990.

An application to divert part of Restricted Byway MR247B at Wrotham has been received by the County Council. Planning permission was granted by Kent County Council for the extraction of sand and clay in 2002 (TM/02/2663/MR97).

The diversion is considered necessary in order to enable extraction to take place because the extraction will result in the route becoming unavailable for public use

Following comments during consultation and ground works the order route has been slightly amended since the initial proposal previously consulted on.

The Order will come into force only after it has been confirmed, and certified; 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 above Order are invited to discuss their concerns with the Case Officer, Mr William Barfoot, on 03000 418674

Any representation about or objection to the Order may be sent in writing to William Barfoot at the Kent County Council, Invicta House, Maidstone, Kent, ME14 1XX (Tel: 03000 418674) (email: william.barfoot@kent.gov.uk not later than 21st August 2020.

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, Kent County Council may refer the Order and objections to the Department of 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 Kent County Council may confirm the Order itself, but it has no power to modify Orders.

PROW and Access Service
Invicta House
County Hall
Maidstone
Kent ME14 1XX
Date: 20th July 2020



THIS STATEMENT DOES NOT FORM PART OF THE ORDER

IN THE BOROUGH OF TONBRIDGE AND MALLING
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53(A)(2)

THE KENT COUNTY COUNCIL
(RESTRICTED BYWAY MR247B (PART), WROTHAM)
PUBLIC PATH DIVERSION AND DEFINITIVE
MAP AND STATEMENT MODIFICATION ORDER 2020

This Order is made by the Kent County Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the restricted byway to which this Order relates in order to enable development to be carried out (in accordance with planning permission granted under part III of the Town and Country Planning Act 1990) namely: the extraction of sand and clay (TM/02/2663/MR97) at Park Farm Quarry at Wrotham

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 039 (TQ65NW)) for the County of Kent require 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 hitherto shown or required to be shown in the map and statement.

BY THIS ORDER:-

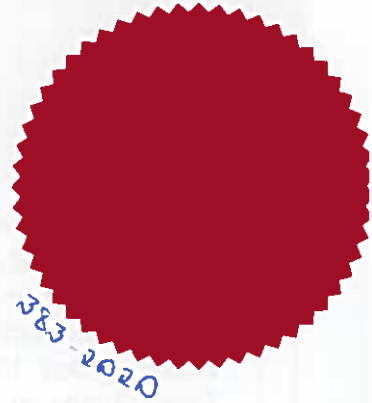
1. The restricted byway over the land shown by a bold black line on the attached map and described in Part I of the schedule to this Order ("the schedule") shall be diverted and the definitive map and statement (Map Sheet 039 (TQ65NW)) for the County of Kent shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of the Kent County Council an alternative highway for use as a replacement for the said restricted byway as provided in Part II of the schedule and shown by bold black dashes with v shapes in the gaps, on the attached map.
3. The diversion of the restricted byway shall have effect on the date on which the Kent County Council certifies that the terms of Article 2 have been complied with and upon the occurrence of certification, the definitive map for the County of Kent (Map Sheet 039 (TQ65NW)) shall be modified by deleting from it the path or way referred to in Part I of this Order and the path or way referred to in Part II of this Order shall be added to it, and the definitive statement shall be modified as described in Part III of the schedule.
4. The applicant is required to pay for the costs of bringing the new route into a fit condition for public use.
5. The relevant date of this Order will be as specified in paragraph 3.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 9th
DAY OF June IN THE YEAR TWO THOUSAND AND TWENTY

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



Authorised Signatory



SCHEDULE

PART I

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of restricted byway numbered MR247B which commences at NGR TQ 6189 5815 (Point A) and runs in a generally south-easterly through to south south-easterly direction for approximately 222 metres to NGR TQ 6201 5797 (Point B). As shown by the solid black line between points A-B on the Order Plan.

PART II

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

A new length of restricted byway numbered MR247B with a width of 4.0 metres, which commences at NGR TQ 6189 5815 (Point A) and runs in a generally southerly direction for approximately 73 metres to NGR TQ 6187 5808 (Point C) and then in a generally west-north-westerly direction for approximately 20 metres to NGR TQ 6186 5809 (Point D) and then continues in a generally south-south westerly direction for approximately 58 metres to NGR TQ 6182 5804 (Point E) and then in a generally east-south easterly direction for approximately 153 metres to NGR TQ 6196 5797 (Point F), continuing in a generally east-north-easterly direction for approximately 22 metres to NGR TQ 6198 5798 and then in a generally east-south-easterly direction for approximately 23 metres to NGR TQ 6201 5797 (Point B).

As shown by the broken black line with v shapes in the gaps between points A-C-D-E-F-B on the Order Plan.

PART III

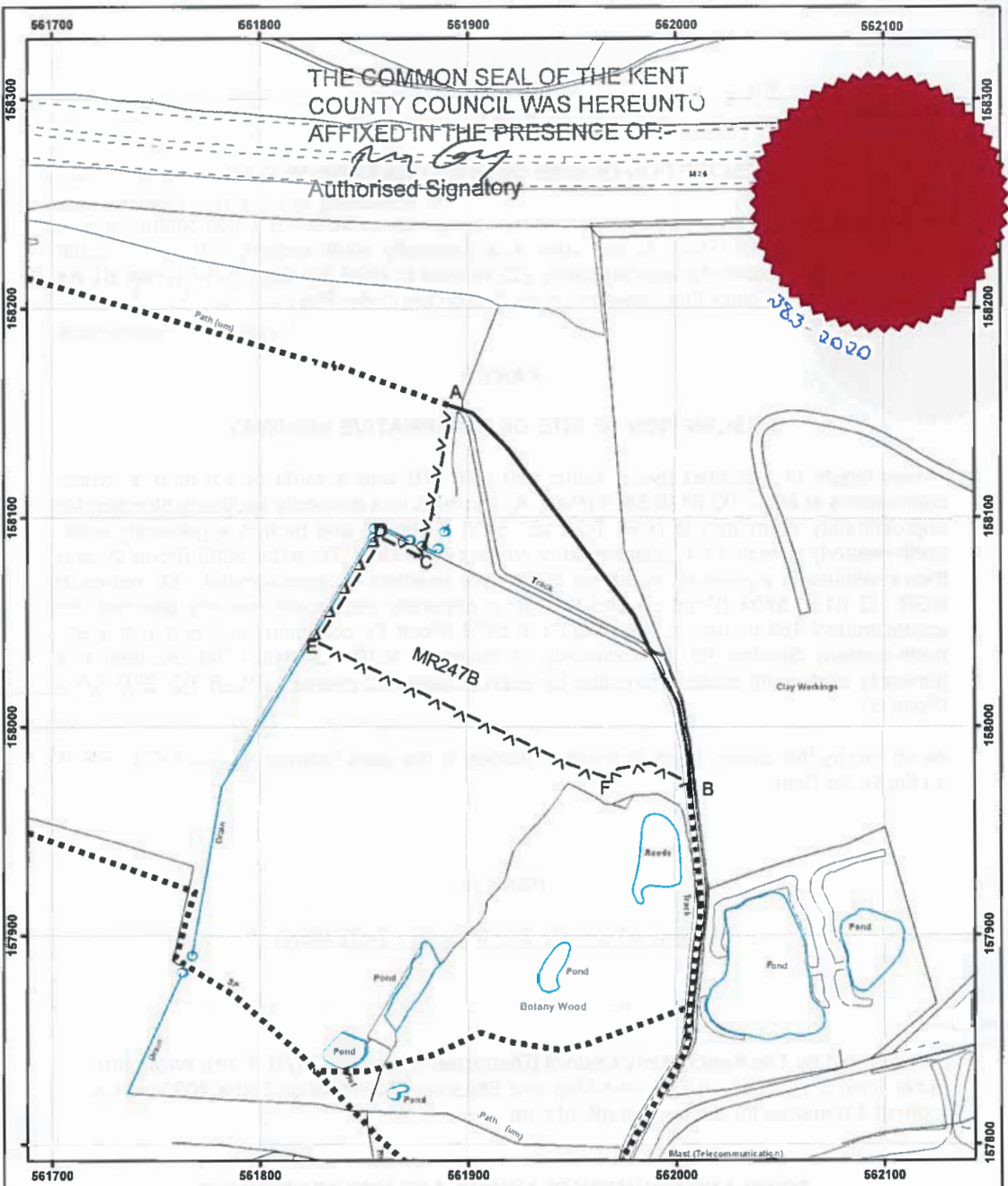
MODIFICATION OF DEFINITIVE STATEMENT

The entry for Restricted Byway MR247B is modified by the addition of the following: -

Part diverted by The Kent County Council (Restricted Byway MR247B (Part), Wrotham) Public Path Diversion and Definitive Map and Statement Modification Order 2020 with a width of 4.0 metres for the new length of path.

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53(A)(2)**

**THE KENT COUNTY COUNCIL
(RESTRICTED BYWAY MR247B (PART), WROTHAM)
PUBLIC PATH DIVERSION AND DEFINITIVE
MAP AND STATEMENT MODIFICATION ORDER 2020**



THE COMMON SEAL OF THE KENT COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:
[Signature]
 Authorised Signatory



Key	Route to be stopped up
∨-∨-∨-∨	Route to be Added
.....	Unaffected Routes

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
 WILDLIFE AND COUNTRYSIDE ACT 1981
 SECTION 53(A)(2)
 THE KENT COUNTY COUNCIL
 (RESTRICTED BYWAY MR247B (PART), WROTHAM)
 PUBLIC PATH DIVERSION AND DEFINITIVE
 MAP AND STATEMENT MODIFICATION ORDER 2020

Created by:	WJB
Checked by:	MMcL
Date:	22/05/2020
Reference:	PROW/MR247B/1587

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