

IN THE DISTRICT OF FOLKESTONE AND HYTHE

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT

MAP SHEET 143 (TR13SE)

THE KENT COUNTY COUNCIL (FOOTPATH HB87 AT HYTHE)
DEFINITIVE MAP MODIFICATION ORDER 2020

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 143 (TR13SE) of the Definitive Map and Statement for the County of Kent requires modification in consequence of the occurrence of an event specified in 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 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 First day of August 2020.
2. Sheet 143 (TR13SE) 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 (Footpath HB87 at Hythe) Definitive Map Modification Order 2020*".

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 27th DAY OF AUGUST IN THE YEAR TWO THOUSAND AND TWENTY

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

.......... SARAH WATSON
AUTHORISED SIGNATORY



618-2020

SCHEDULE

PART I: MODIFICATION OF DEFINITIVE MAP

Description of path to be added

The effect of the Order is to add a public footpath numbered HB87, which commences adjacent to number 112 High Street at NGR TR 1625 3477 (point A) and runs generally south for approximately 52 metres to its connection with Prospect Road at NGR TR 1626 3471 (point B). Between the points A-B on the Order plan. At point A, the path has a width of 0.9 metre, immediately opening out to a width of 1.6 metres for 6.2 metres. The path then narrows to 1.1 metre for 8.7 metres and then widens to 1.2 metres for the remainder of its length.

PART II: MODIFICATION OF DEFINITIVE STATEMENT

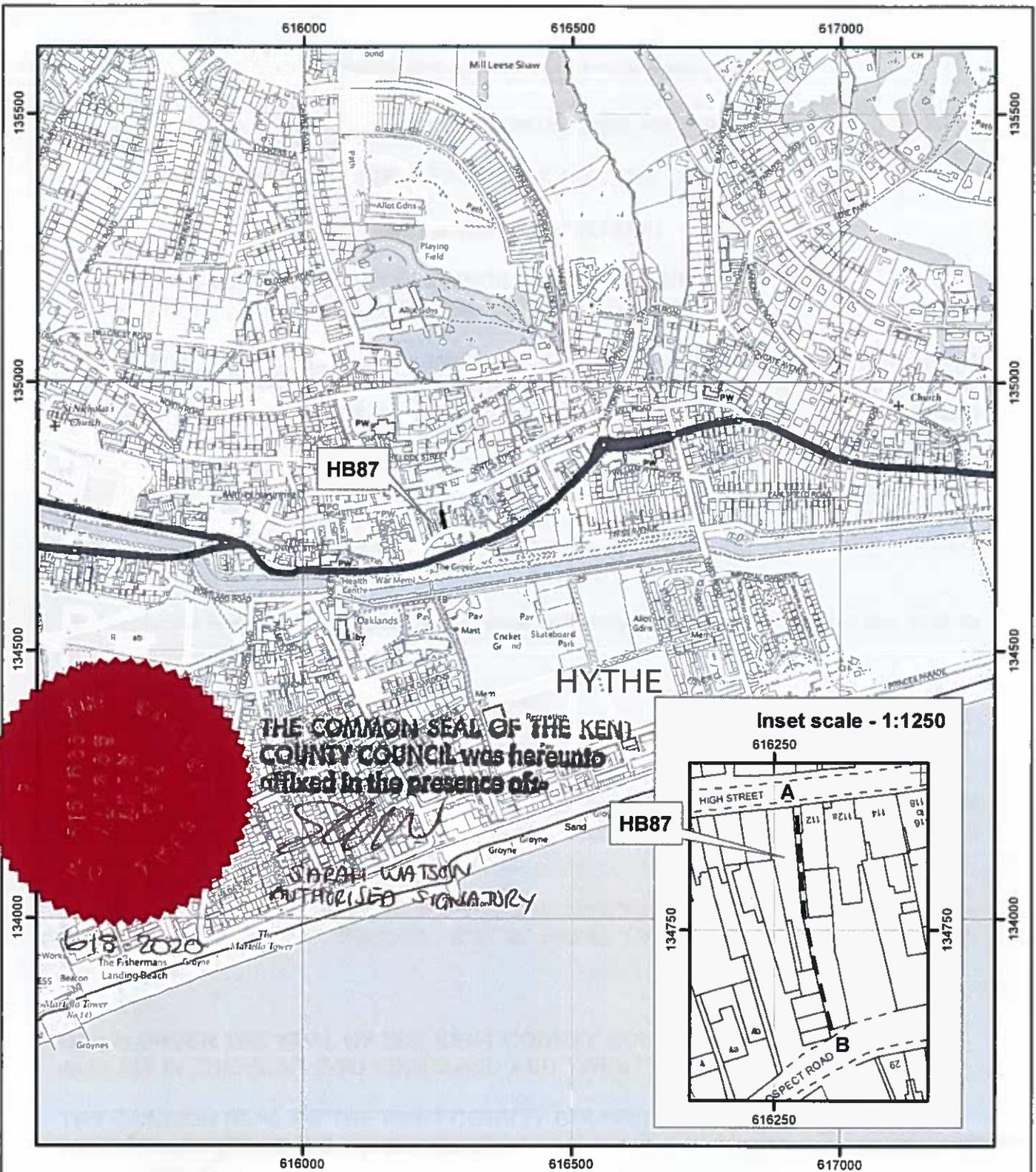
The Definitive Statement is amended by the addition of the following entry:

HB87 – Footpath
Connections – High Street, Prospect Road

Added by the Kent County Council (Footpath HB87 at Hythe) Definitive Map Modification Order 2020. At point A, the path has a width of 0.9 metre, immediately opening out to a width of 1.6 metres for 6.2 metres. The path then narrows to 1.1 metre for 8.7 metres and then widens to 1.2 metres for the remainder of its length.

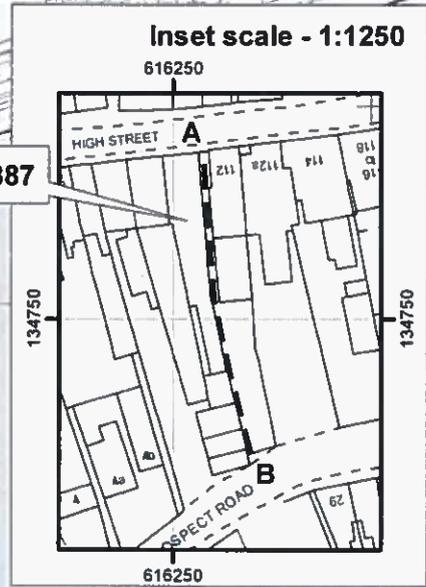
WILDLIFE AND COUNTRYSIDE ACT 1981

**THE KENT COUNTY COUNCIL (FOOTPATH HB87 AT HYTHE)
DEFINITIVE MAP MODIFICATION ORDER 2020**



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

Sarah Watson
 SARAH WATSON
 AUTHORIZED SIGNATORY



Key
 - - - - - Route to be Added

**Wildlife & Countryside Act 1981
 The Kent County Council (Footpath HB87 at Hythe)
 Definitive Map Modification Order 2020**

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IN THE DISTRICT OF FOLKESTONE AND HYTHE

NOTICE OF MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT

**THE KENT COUNTY COUNCIL (FOOTPATH HB87 AT HYTHE)
DEFINITIVE MAP MODIFICATION ORDER 2020**

The above Order was made on 27 August 2020 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 footpath which commences adjacent to number 112 High Street at NGR TR 1627 3471 (point A) and runs generally south for approximately 52 metres to its connection with Prospect Road at NGR TR 1626 3471 (point B), between the points A-B on the Order plan. At point A, the path has a width of 0.9 metre, immediately opening out to a width of 1.6 metres for 6.2 metres. The path then narrows to 1.1 metre for 8.7 metres and then widens to 1.2 metres for the remainder of its length.

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 Maria McLauchlan on 03000 41 34 20 or maria.mclauchlan@kent.gov.uk. The documents can also be viewed online at www.kent.gov.uk/prownotices

Any representation about or objection to the Order must be sent or delivered in writing to Mrs Maria McLauchlan at the Kent County Council, PROW and Access Service, Invicta House, Maidstone, Kent, ME14 1XX or email: maria.mclauchlan@kent.gov.uk no later than 30 October 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 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,
Maidstone, Kent, ME14 1XX

Date: 18 September 2020



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

This Notice can be removed after 30 October 2020

STATEMENT TO ACCOMPANY

WILDLIFE AND COUNTRYSIDE ACT 1981 THE KENT COUNTY COUNCIL (FOOTPATH HB87 AT HYTHE) DEFINITIVE MAP MODIFICATION ORDER 2020

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 claimed route has been used by the public in excess of 20 years without interruption. 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 41 34 20).

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; email: maria.mclauchlan@kent.gov.uk. They should state the grounds on which they are made and must be received no later than 30 October 2020.

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**