

HIGHWAYS ACT 1980, SECTIONS 119A AND SECTION 120(3)

**PART OF FOOTPATH SR49, PILGRIMS WAY (OTFORD, KENT) RAIL CROSSING
DIVERSION ORDER 2019**

This Order is made by the Secretary of State for Environment, Food and Rural Affairs ("the Secretary of State") under sections 119A and 120(3) of the Highways Act 1980.

The footpath described in paragraph 1 of this Order crosses a railway otherwise than by a tunnel or bridge.

It appears to the Secretary of State that it is expedient in the interests of the safety of members of the public using, or likely to use, the said footpath that part of it should be diverted on to land also owned by the operator of the railway, including a bridge crossing over the railway to be constructed some twenty metres north-west of the existing crossing.

The Secretary of State has required the operator of the railway to enter into an agreement with the highway authority to defray any expenses which are incurred in the erection or maintenance of barriers and signs, and in bringing the new site of that part of the footpath to be diverted into a fit condition for use by the public.

BY THIS ORDER:

1. The public right of way over the land situate at Pilgrims Way in the Parish of Otford in the County of Kent shown by a bold continuous line on the map attached to this Order and described in Part 1 of the Schedule hereto shall be extinguished on the date on which the highway authority certifies that the alternative path or way has been made to its satisfaction.
2. Despite paragraph 1 of this Order, UK Power Network shall have the following rights over the land referred to in paragraph 1, namely the right of access for maintenance, repair and removal of that electrical cabling running beneath the railway subject to an Agreement dated 9 April 1957 between the South Eastern Electricity Board and the British Transport Commission pursuant to section 22 of the Electricity Act 1947.
3. There shall be, from the date upon which the Highways Authority certifies that the alternative footpath created by this Order has been brought into a fit condition for use by the public, a public footpath over the land situate at Pilgrims Way in the Parish of Otford in the County of Kent described in Part 2 of the Schedule and shown by a bold broken line on the map attached to this Order.
4. The operator of the railway crossed by the footpath described in paragraph 3 shall maintain those parts shown between points A-C-D-B on the said map of the footpath created by this Order.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that part of public Footpath SR49, Parish of Otford running from point A (grid reference TQ 553304, 159201) at the eastern side of the railway (and to the west of the boundaries of the rear gardens of nos. 34 and 36 Tudor Drive) and running up steps and through a stile and across the existing railway crossing in a west-north-westerly direction for 20 metres, then down steps and through another stile to point B (grid reference TQ 553282, 159207) on the western side of the railway. The width of this part of public Footpath SR49 is approximately 1.5 metres.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

A new public footpath numbered SR49 in the Parish of Otford over land owned by the operator of the railway commencing at point A (grid reference TQ 553304, 159201) and heading in a northerly, westerly, then north-westerly direction for approximately 31 metres to point C, (grid reference TQ 553295, 159230), then turning in a west-south-westerly direction and running over a stepped footbridge crossing the railway for approximately 16 metres to grid reference TQ 553279, 159225), then turning in a south-south-easterly direction for approximately 19 metres to point B (grid reference TQ 553282, 159207), where it will re-join the original line of public footpath SR49 as it links to public footpath SR59, to the east of the boundary of the rear garden of 15 Horfield Close. The new public footpath will have a width of 2 metres.

SIGNED by authority of the Secretary of State for Environment

Food and Rural Affairs on

the day of 2019

Stuart Reid

An official in the Planning Inspectorate

