IN THE BOROUGH OF MAIDSTONE

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH KM203 (part), YALDING)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016

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 owners of the land crossed by the footpath described in paragraph 1 of this Order it is expedient that the line of Public Footpath KM203 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 037 (TQ64NE)) 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:

Maidstone 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 situate at Yalding and shown by a bold continuous line on the attached map contained in the Order and described in Part I of 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 037 (TQ64NE)) 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. There shall be 28 days from the date of confirmation of this Order, a Public Footpath over the land situate at Yalding 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 037 (TQ64NE)) shall be modified by adding the path to it.

3A. The Definitive Statement for the County of Kent (Map Sheet 037 (TQ64NE)) shall be modified as described in Part IV of the schedule to this Order.
GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 19th DAY OF
July         IN THE YEAR TWO THOUSAND AND SIXTEEN.

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

[Signature]

Authorized Signatory

9/02/2016
SCHEDULE

PART I:
DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of Public Footpath numbered KM203, which commences on Laddingford Road at NGR TQ 6912 4884 (point A) and runs generally east for approximately 233.0 metres to NGR TQ 6935 4883 (point B). Between the points A-B on the Order plan.

PART II:
DESCRIPTION OF SITE OF NEW PATH OR WAY

A new length of Public Footpath numbered KM203 which commences on Laddingford Road at NGR TQ 6912 4885 (point C), approximately 2.8 metres north-west of the aforementioned point A, and runs generally east through the field for approximately 240.0 metres to the aforementioned point B. Between the points C-B on the Order plan. At its connection with Laddingford Road there is a structured gap of 1.5 metres whilst the remainder of the path has a width of 2.5 metres.

PART III:
LIMITATIONS AND CONDITIONS

None.

PART IV:
MODIFICATION OF DEFINITIVE STATEMENT

The entry for Public Footpath KM203 is modified by the addition of the following:

Part diverted by the Kent County Council (Public Footpath KM203 (part), Yalding) Public Path Diversion and Definitive Map and Statement Modification Order 2016. At its connection with Laddingford Road there is a structured gap of 1.5 metres whilst the remainder of the path has a width of 2.5 metres.

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH KM203 (part), YALDING)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016
Highways Act 1980
The Kent County Council
(Public Footpath KM203 (part, Yalding)
Public Path Diversion and Definitive Map
and Statement Modification Order 2016

Produced by the KCC Public Rights of Way and Access Service
© Crown Copyright and database right 2013. Ordnance Survey 100019238

Key
- Route to be diverted
- New length of route
- Unaffected Routes

Public Rights of Way and Access Service
IN THE BOROUGH OF MAIDSTONE
NOTICE OF PUBLIC PATH ORDER
HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH KM203 (part), YALDING)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016

The above named Order made on 19th July 2016 under Section 119 of the Highways Act 1980 will divert the entire width of that length of public footpath KM203 which commences on Laddingford Road at NGR TQ 6912 4884 (point A) and runs east for 233.0 metres to NGR TQ 6935 4883 (point B), between the points A-B on the Order plan, and will add a new length of public footpath numbered KM293 which commences on Laddingford Road at NGR TQ 6912 4885 (point C), 2.8 metres north-west of the aforementioned point A, and runs east through the field for 240.0 metres to the aforementioned point B, between the points C-B on the Order plan. At its connection with Laddingford Road there is a structured gap of 1.5 metres whilst the remainder of the path has a width of 2.5 metres.

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 Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ 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 £5.

Any representation about or objection to the Order may be sent in writing to Mrs Maria McLauchlan at the Kent County Council (address as below). (Tel: 03000 413420) (email: maria.mclauchlan@kent.gov.uk) not later than 26th August 2016. 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

Dated: 29th July 2016

This document is available in alternative formats and can be explained in a range of languages.
STATEMENT TO ACCOMPANY
THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH KM203 (part), YALDING)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016

Under The Highways Act 1980, the County Council has the power to make Orders to create, extinguish or divert footpaths and bridleways. Legislation affecting this proposal is contained within Section 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 and/or of the public. The Wildlife and Countryside Act 1981 amended the grounds by which a public path may be diverted.

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.

Kent County Council has made an Order to divert part of Public Footpath KM203 under The Highways Act 1980, Section 119. This statement has been prepared to explain various aspects of the Order.

The application has been made by the landowners for reasons of security and privacy. The footpath currently runs along the private driveway of the property. There have been a number of incidents of unauthorised vehicles accessing the driveway, resulting in property being stolen, vandalism, and a general perception of insecurity. The police had advised the owners to gate their drive to prevent further incidents but this cannot be authorised under public rights of way legislation.

Kent County Council is satisfied that the proposed new route is in the interests of the landowner. In addition it will not be substantially less convenient to the public nor will any enjoyment be lost by the diversion.

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, at the address below (Telephone Number 03000 413420).

Objections or representations relating to the Order must be made in writing to Mrs Maria McLauchlan at the address below, no later than 26th August 2016.

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 & Access Service
Invicta House
County Hall
Maidsstone
Kent, ME14 1XX

THIS STATEMENT DOES NOT FORM PART OF THE ORDER