



## Order Decisions

Inquiry opened on 23 February 2016

**by Peter Millman BA**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 28 July 2016**

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### **Order Ref: FPS/W2275/7/79 ("Order B")**

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as The Kent County Council (Bridleways MR29, MR606, MR607 & MR611 at Aylesford & Burham) Definitive Map Modification Order 2014.
- The Order is dated 14 July 2014 and proposes to modify the Definitive Map and Statement for the area as shown on the Order map and described in the Order schedule.
- There were six objections outstanding when Kent County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for determination.

**Summary of Decision: I have confirmed the Order with the modifications previously proposed.**

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### **Order Ref: FPS/W2275/7/80 ("Order C")**

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as The Kent County Council (Bridleway MR30 at Aylesford & Burham) Definitive Map Modification Order 2014.
- The Order is dated 14 July 2014 and proposes to modify the Definitive Map and Statement for the area as shown on the Order map and described in the Order schedule.
- There were five objections outstanding when Kent County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for determination.

**Summary of Decision: I have confirmed the Order with the modifications previously proposed.**

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### **Procedural Matters**

1. The effect of the Orders, if confirmed with the modifications proposed, would be to add as bridleways, or to upgrade to bridleways on, Kent County Council's Definitive Map of Rights of Way, a total of 5 routes. I previously concluded, with respect to Orders B and C (Order A has already been confirmed) that Order B should be confirmed with a modification to remove reference to the route between D and F on the Order map. I concluded that Order C should be confirmed with a modification to amend the route between A and B on the Order map. I have appended the Order maps for Orders B and C to the end of this decision.
  2. After my interim Order Decision was published, Burham Parish Council objected to the proposal to confirm the Orders (with or without modifications), as did Tonbridge & Malling Borough Council and two individual Borough Councillors. None of these objections addressed any matters which I am allowed, by law, to take into consideration in deciding whether or not public rights exist over the routes in question.
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## **Conclusion**

3. Bearing in mind the above, I conclude that Orders B and C should be confirmed subject to the modifications set out in paragraphs 106 and 107 of my interim decision dated 31 March 2016.

## **Formal Decision**

4. I confirm the Orders subject to the modifications previously proposed: I confirm Order B with the following modifications:

- In the Order and on the Order map, wherever it occurs, delete 'MR605,'
- In part I of the Schedule to the Order, delete paragraph 3
- Also in Part I, renumber paragraphs 4 and 5 as paragraphs 3 and 4
- In part II of the Schedule to the Order delete the section 'MR605 Bridleway... Add MR605 to the connections item for MR30'
- Delete the route D-F from the Order plan and reference to it in the key to the Order plan

I confirm Order C with the following modifications:

- In the preamble to the Order, after the words 'of a different description', add ', and 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'
- In part I of the Schedule to the Order, delete '780 metres' and insert '420 metres', and insert after that 'to TQ 7192 6071, and that length of public footpath MR30 which commences at TQ 7201 6059 and runs generally south-east for approximately 260 metres'
- Add a new section headed 'Description of path to be added' which reads as follows: 'the effect of the Order is to add a bridleway, numbered MR30, with a width of 2.5 metres, which commences from the existing MR30 at TQ 7192 6071 and runs generally south-south-east for approximately 200 metres to re-join the existing MR30 at TQ 7201 6059'
- In part II of the Schedule to the Order, before the word 'Upgraded', add 'Part'
- On the Order plan add a line showing the route to be added as a bridleway to the north east of the line showing the current path between TQ 7192 6071 and TQ 7201 6059 and show the current path between those points by the symbol for an unaffected path.
- In the key to the Order plan, add after 'Route to be Upgraded' 'or added'

*Peter Millman*

**Inspector**





