

NOTICE OF ORDER HIGHWAYS ACT 1980 SECTION 119

Kent County Council
(Public Footpath CC34 (Part) Canterbury) Public Path Diversion Order and
Definitive Map and Statement Modification Order 2015

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. Following an earlier consideration of papers on file, the Inspector appointed to determine the Order issued a letter in which he proposed to make modifications to the Order as drafted. Following advertisement of those proposals objections/representations have been received.

The **start date** for the above Order is **11 August 2016**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case which contain evidence in respect of the modified part of the Order **and** new evidence in respect of the unmodified part of the Order.

The effect of the Order, if confirmed without modifications will be to divert the entire width of that length of Public Footpath numbered CC34 commencing from appooint 27 metres from its junction with Bekesbourne Lane, to the north east of the property known as The Old Cottage, Grid Reference TR17598 57235 (Point A) and running in a south easterly direction for 99 metres to the junction with the unaffected length of the path at Grid Reference TR17682 57189 (Point B). Between the points A and B on the Order Plan.

The Order will also provide a new length of Public Footpath numbered CC34 commencing at the aforementioned Point A (Grid Reference TR17598 57235) with an initial width of 2 metres, and running in a north easterly direction for 37 metres (Point E) Grid Reference TR17625 57258, to then run for 35 metres with a width of 1.5 metres in a south easterly direction (Point D) Grid Reference TR17649 57232, to then run south westwards for 10 metres with a width of 2 metres (Point C) Grid Reference TR17642 57226, and then turning to run in a south easterly direction, with a width of 2 metres, measures 1 metre to the north east of the existing boundary, for 54 metres, to then turn for 1 metre in a south south easterly direction to re-join the existing line of the path at the existing rear boundary of the property known as 3 Hoath Farm Cottages (Point B) Grid Reference TR17682 57189. Between the points A, E, D, C and B on the Order Plan.

The effect of the proposed modifications would be to provide for the following:

- At paragraph 1 of the Order delete 'seven' and insert 'twenty eight'.
- At Part II of the Schedule to the Order from line 8 delete 'measured one metre to the north east of the existing boundary, for

approximately 54 metres, to then turn for 1 metre in a generally south south easterly direction' and insert 'following the north eastern side of the fence-line for approximately 55 metres'.

- At page 2 of the duplicate Order at the end of the first line insert '11th'

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: clive.richards@pins.gsi.gov.uk. Please quote reference number FPS/W2275/4/45M on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Kent County Council, (Countryside Access Team), Invicta House, County Hall, Maidstone, Kent ME14 1XX (Council Contact: Chris Wade, tel 03000 413475).

Timetable for sending in statements of case and comments

Within 8 weeks of the start date [by 06 October 2016]

The Order Making Authority, the applicant and everyone who has made an objection or representation following the proposed modifications or any other written representation must ensure their statement of case is received by the Secretary of State. As soon as possible after receiving it the Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation following the proposed modifications, the applicant and any other person who has previously written to us in respect of the Order.

Within 14 weeks of the start date [by 17 November 2016]

Everyone who has made an objection or representation following the proposed modifications, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the above date, the Secretary of State will send copies of the comments received to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time.

All parties must keep to the timetable set out above and ensure that statements of case are received by the Secretary of State on time. Late documents will be returned. We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

PROPOSED MODIFICATIONS

IN THE CITY OF CANTERBURY

HIGHWAYS ACT 1980 WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH CC34 (PART) CANTERBURY) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015

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 Part 1 of this Order it is expedient that the line of Public Footpath CC34 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 (152) [TR15NE]) 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.

Canterbury City Council has been consulted as required by Section 120 (2) of the 1980 Act.

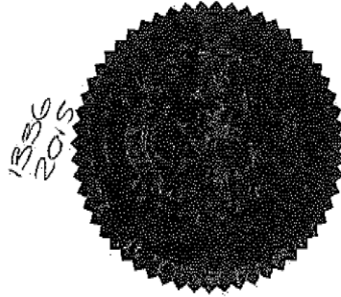
BY THIS ORDER:-

1. The public right of way over the land situate at Bekesbourne Lane Canterbury 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 after ~~seven~~^{twenty eight} days from the date of confirmation of this Order and thereupon the Definitive Map for the County of Kent (Map Sheet (152) [TR15NE]) 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 twenty eight days from the date of confirmation of this Order a Public Footpath over the land situate at Bekesbourne Lane Canterbury 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 (152) [TR15NE]) shall be modified by adding the path to it.
- 3A. The Definitive Statement for the County of Kent (Map Sheet (152) [TR15NE]) shall be modified as described in Part IV of the schedule to this Order.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 11th
DAY OF DECEMBER IN THE YEAR TWO THOUSAND AND FIFTEEN.

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

Bonnie
Authorised Signatory



SCHEDULE

PART I

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of Public Footpath numbered CC34 commencing from a point approximately 27 metres from its junction with Bekesbourne Lane, to the north east of the property known as The Old Cottage, Grid Reference TR17598 57235 (Point A) and running in a generally south easterly direction for approximately 99 metres to the junction with the unaffected length of the path at Grid Reference TR17682 57189(Point B). Between the points A and B on the Order Plan.

PART II

DESCRIPTION OF SITE OF NEW PATH OR WAY

A new length of Public Footpath numbered CC34 commencing at the aforementioned Point A (Grid Reference TR17598 57235) with an initial width of 2 metres, and running in a generally north easterly direction for approximately 37 metres (Point E) Grid Reference TR17625 57258, to then run for approximately 35 metres with a width of 1.5 metres in a generally south easterly direction (Point D) Grid Reference TR17649 57232, to then run generally south westwards for approximately 10 metres with a width of two metres (Point C) Grid Reference TR17642 57226, and then turning to run in a generally south easterly direction, with a width of 2 metres, *following the north eastern side of the fence line* measured one metre to the north east of the existing boundary, *at approximately 50 metres* for approximately 54 metres, to then turn for 1 metre in a generally south south easterly direction to re-join the existing line of the path at the existing rear boundary of the property known as 3 Hoath Farm Cottages (Point B) Grid Reference TR17682 57189. Between the points A, E, D, C and B on the Order Plan.

PART III

LIMITATIONS AND CONDITIONS

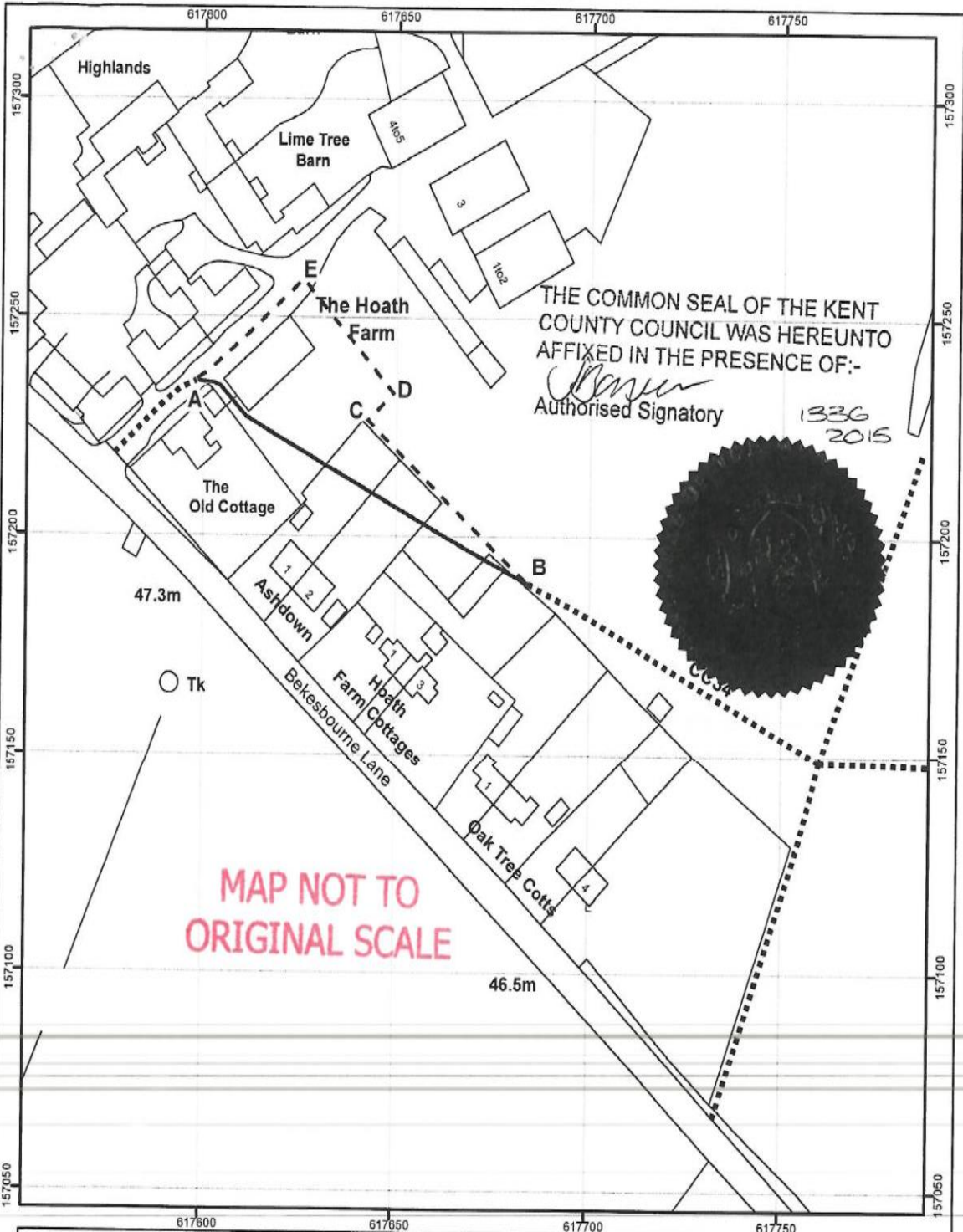
None

PART IV

MODIFICATION OF DEFINITIVE STATEMENT

The entry for Public Footpath numbered CC34 is modified by the addition of the following: Part diverted, in the vicinity of Hoath Farm, by the Kent County Council (Public Footpath CC34 (part) Canterbury) Public Path Diversion and Definitive Map and Statement Modification Order 2015. The new length of path will have a width of 2 metres between Grid References TR17598 57235 and TR17625 57258 and also between TR17649 57232 and TR17682 57189; and a width of 1.5 metres between Grid References TR17625 57258 and TR17649 57232. The path connects to the rear boundary of the property known as 3 Hoath Farm Cottages.

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH CC34 (PART) CANTERBURY)**



THE COMMON SEAL OF THE KENT COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:-
[Signature]
 Authorised Signatory 1336 2015

MAP NOT TO ORIGINAL SCALE

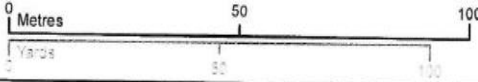
Key	
	Proposed diversion route
	Route to be extinguished
	Unaffected routes

Highways Act 1980
 Wildlife & Countryside Act 1981
 The Kent County Council (Public footpath CC34 (part) Canterbury) Public Path Diversion & Definitive Map and Statement Modification Order 2015

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Created by: NB Checked by: CW

Reference: CC34/Revised/v2

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