

NOTICE OF ORDER
HIGHWAYS ACT 1980 SECTION 119
WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Kent County Council
(Public Footpaths MU65 (Part) & MT41 (Part) Tonbridge and
Hildenborough) Public Path Diversion and Definitive Map and Statement
Modification Order 2018

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. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **8 January 2019**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **The Tonbridge Juddians Sports Pavilion, The Slade, Tonbridge, Kent TN9 1HR** on **18 June 2019** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert the entire width of **(a)** that length of Public Footpath numbered MU65 commencing from a point (Point A) on the existing line of the path approximately 170 metres to the southwest of Hilden Park Road and running for approximately a further 42 metres in the same direction and then turning in a generally north westerly direction for approximately 24 metres to Point C at the junction with Public Footpath MT41 (as shown between the Points A, B and C on the Order Plan); and **(b)** that length of Public Footpath numbered MT41 commencing at the afore mentioned Point C and running in a generally north westerly direction for approximately 64 metres to re-join the unaffected length of the path and its junction with Public Footpath MT419 at Point D (as shown between the Points C and D on the Order Plan).

The Order will also provide a new length of Public Footpath numbered MT41 with a width of 2.5 metres, and commencing at the previously mentioned Point A approximately 170 metres to the southwest of Hilden Park Road and then running in a generally west north westerly direction for approximately 83 metres to then turn to run in a generally south westerly direction for approximately 25 metres to re-join the existing line of the path at the afore mentioned Point D. As shown between the points A, E and D on the Order Plan. All distances are approximate, all directions are general.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle 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 ROW/3211411 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 the offices of the Countryside Access Team, Kent County Council, Invicta House, County Hall, Maidstone, Kent, ME14 1XX during normal office hours. Contact Mr Chris Wade on 03000 413475 to make an appointment.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date [by 5 March 2019]

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

Within 14 weeks of the start date [by 16 April 2019]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

4 weeks before the date of the inquiry [by 21 May 2019]

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is

¹ If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence 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.

Notice of order for inquiry

IN THE BOROUGH OF TONBRIDGE AND MALLING

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATHS MU65 (PART) & MT41 (PART) TONBRIDGE AND HILDENBOROUGH)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2018

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 owner of the land crossed by the footpaths described in Part 1 of this Order it is expedient that the lines of Public Footpath MU65 (part) and MT41(part) 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 (017) [TQ54NE]) 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.

Tonbridge and Malling Borough Council has been consulted as required by Section 120 (2) of the 1980 Act.

BY THIS ORDER: -

1. The public rights of way over the land situate at Hawden Farm, Hawden Lane, Hildenborough 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 seven days from the date that is certified by the County Council that an alternative route suitable for use by the public has been provided thereupon the Definitive Map for the County of Kent (Map Sheet (017) [TQ54NE]) 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 seven days from the date that it is certified by the County Council that an alternative route suitable for use by the public has been provided a Public Footpath over the land situate at Hawden Farm, Hildenborough 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 (017) [TQ54NE]) shall be modified by adding the path to it.
- 3A. The Definitive Statement for the County of Kent (Map Sheet (017) [TQ54NE]) 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 APRIL IN THE YEAR TWO THOUSAND AND EIGHTEEN.

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

D J Burring
Authorised Signatory

Denise J Burring



SCHEDULE

PART I

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of (a) that length of Public Footpath numbered MU65 commencing from a point on the existing line of the path approximately 170 metres to the southwest of Hilden Park Road and running for approximately a further 42 metres in the same direction and then turning in a generally north westerly direction for approximately 24 metres to the junction with Public Footpath MT41. As shown between the points A, B and C on the Order Plan; and (b) that length of Public Footpath numbered MT41 commencing at the afore mentioned Point C and running in a generally north westerly direction for approximately 64 metres to re-join the unaffected length of the path and its junction with Public Footpath MT419. As shown between the points C and D on the Order Plan.

PART II

DESCRIPTION OF SITE OF NEW PATH OR WAY

A new length of Public Footpath numbered MT41 with a width of 2.5 metres, and commencing at the previously mentioned Point A approximately 170 metres to the southwest of Hilden Park Road and then running in a generally west north westerly direction for approximately 83 metres to then turn to run in a generally south westerly direction for approximately 25 metres to re-join the existing line of the path at the afore mentioned Point D. As shown between the points A, E and D on the Order Plan.

PART III

LIMITATIONS AND CONDITIONS

None

PART IV

MODIFICATION OF DEFINITIVE STATEMENT

The entry for Public Footpath numbered MU65 is modified by the addition of the following: Part diverted, near Hawden Farm House by the Kent County Council (Public Footpaths MU65 (part) and MT41 (part) Tonbridge and Hildenborough) Public Path Diversion and Definitive Map and Statement Modification Order 2018. The new section of path is numbered MT41.

The entry for Public Footpath numbered MT41 is modified by the addition of the following: Part diverted, near Hawden Farm House by the Kent County Council (Public Footpaths MU65 (part) and MT41 (part) Tonbridge and Hildenborough) Public Path Diversion and Definitive Map and Statement Modification Order 2018. The new section of path has a width of 2.5 metres.

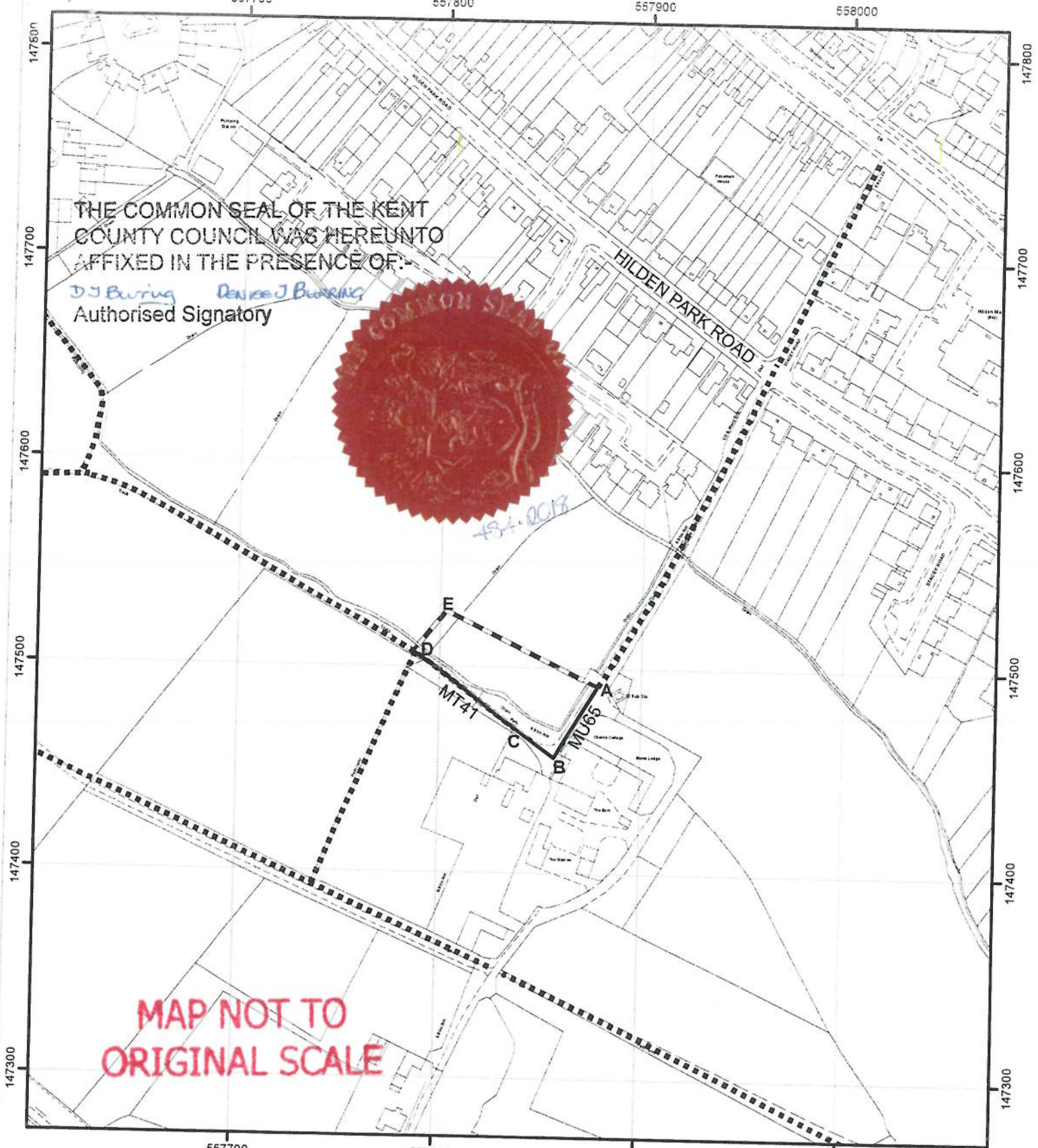
HIGHWAYS ACT 1980

WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL

**(PUBLIC FOOTPATHS MU65 (PART) & MT41 (PART) TONBRIDGE AND HILDENBOROUGH)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT**

MODIFICATION ORDER 2018



THE COMMON SEAL OF THE KENT COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:-

DJ Buring Denise J Buring
 Authorised Signatory



134-0018

MAP NOT TO ORIGINAL SCALE

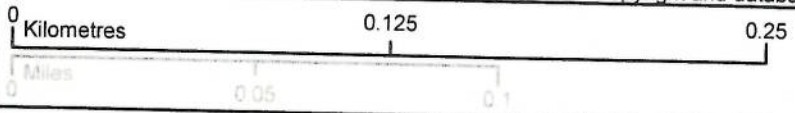
- Key**
- Route to be diverted
 - New Length of route
 - Unaffected Routes

Highways Act 1980
Wildlife and Countyside Act 1981
Kent County Council
(Public Footpath MU65 (part) and MT41 (part),
Tonbridge and Hildenborough)
Public Path Diversion and Definitive Map and
Statement Modification Order 2018

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



1:2,500



Created by: WJB Checked by: CW
 Reference: PROW/MU65MT41/1474

Public Rights of Way and Access Service

