

NOTICE OF ORDER

HIGHWAYS ACT 1980 - SECTION 118A WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

KENT COUNTY COUNCIL

(Public Footpaths CW80 & CWX40, Whitstable) Rail Crossing Extinguishment 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 **24 March 2020**

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

The Inquiry will be held at **The Marine Hotel - The Ballroom, 32-33 Marine Parade, Tankerton, Whitstable, Kent CT5 2BE on 22 September 2020 at 10.00am.**

The effect of the Order, if confirmed without modifications, will be to extinguish the full width and length of public footpath numbered CW80, which commences at the junction of Portway and Clifton Road at NGR TR 1049 6592 (point A) and runs south south-east for 17.0 metres over the railway crossing to its connection with public footpath CWX40 at NGR TR 1049 6591 (point B), between the points A-B on the Order plan.

The Order will also extinguish the entire width and length of public footpath numbered CWX40 which commences at the aforementioned point B and runs south-east for 44 metres to its connection with Glebe Way at NGR TR 1052 6587 (point C). between the points B-C on the Order plan.

All directions general, all distances approximate.

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@planninginspectorate.gov.uk. Please quote reference number ROW/3226477 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, PROW & Access Service, Invicta House, County Hall, Maidstone, Kent, ME14 1XX. Contact at Kent County Council: Maria McLauchlan; tel: 03000 413420. The documents can be viewed Monday – Friday 10am-4pm (please telephone to make an appointment).

As the Authority has indicated that they will not be supporting the Order at the Inquiry, the case for the Order will be presented by Mr Damian Hajnus, Network Rail. They will be expected to adhere to the following timetable as if they were the Authority

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by 19 May 2020

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 30 June 2020

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 25 August 2020

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 CITY OF CANTERBURY

**RAIL CROSSING EXTINGUISHMENT ORDER
HIGHWAYS ACT 1980, SECTION 118A**

**The Kent County Council (Public Footpaths CW80 & CWX40, Whitstable)
Rail Crossing Extinguishment and Definitive Map and Statement
Modification Order 2018**

This Order is made by the Kent County Council ("the authority") under section 118A of the Highways Act 1980 ("the 1980 Act").

Public footpath numbered CW80, described in paragraph 1 of this order in the authority's area, crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said footpath that it should be extinguished.

Section 118A(2) of the 1980 Act provides that this Order may extinguish the right of way on the crossing itself and for so much of its length as the authority deems expedient from the crossing to its intersection with another highway over which there subsists a like right of way, this being public footpath numbered CWX40.

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

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 207 (TR1065)) require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the extinguishment (as authorised by this Order) of a highway shown or required to be shown in the Map and Statement.

BY THIS ORDER:

1. The public rights of way over the land situate at Whitstable 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 from the date of confirmation, and thereupon the Definitive Map for the County of Kent (Map Sheet 207 (TR1065)) shall be modified by deleting from it those public rights of way.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 16th DAY OF
OCTOBER IN THE YEAR TWO THOUSAND AND EIGHTEEN.

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


.....

Authorised Signatory



1066-2018

SCHEDULE

PART I

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width and length of public footpath numbered CW80 which commences at the junction of Portway and Clifton Road at NGR TR 1049 6592 (point A) and runs generally south south-east for approximately 17.0 metres over the railway crossing to its connection with public footpath CWX40 at NGR TR 1049 6591 (point B), between the points A-B on the Order plan.

The entire width and length of public footpath numbered CWX40 which commences at the aforementioned point B and runs generally south-east for approximately 44 metres to its connection with Glebe Way at NGR TR 1052 6587 (point C), between the points B-C on the Order plan.

PART II

MODIFICATION OF DEFINITIVE STATEMENT

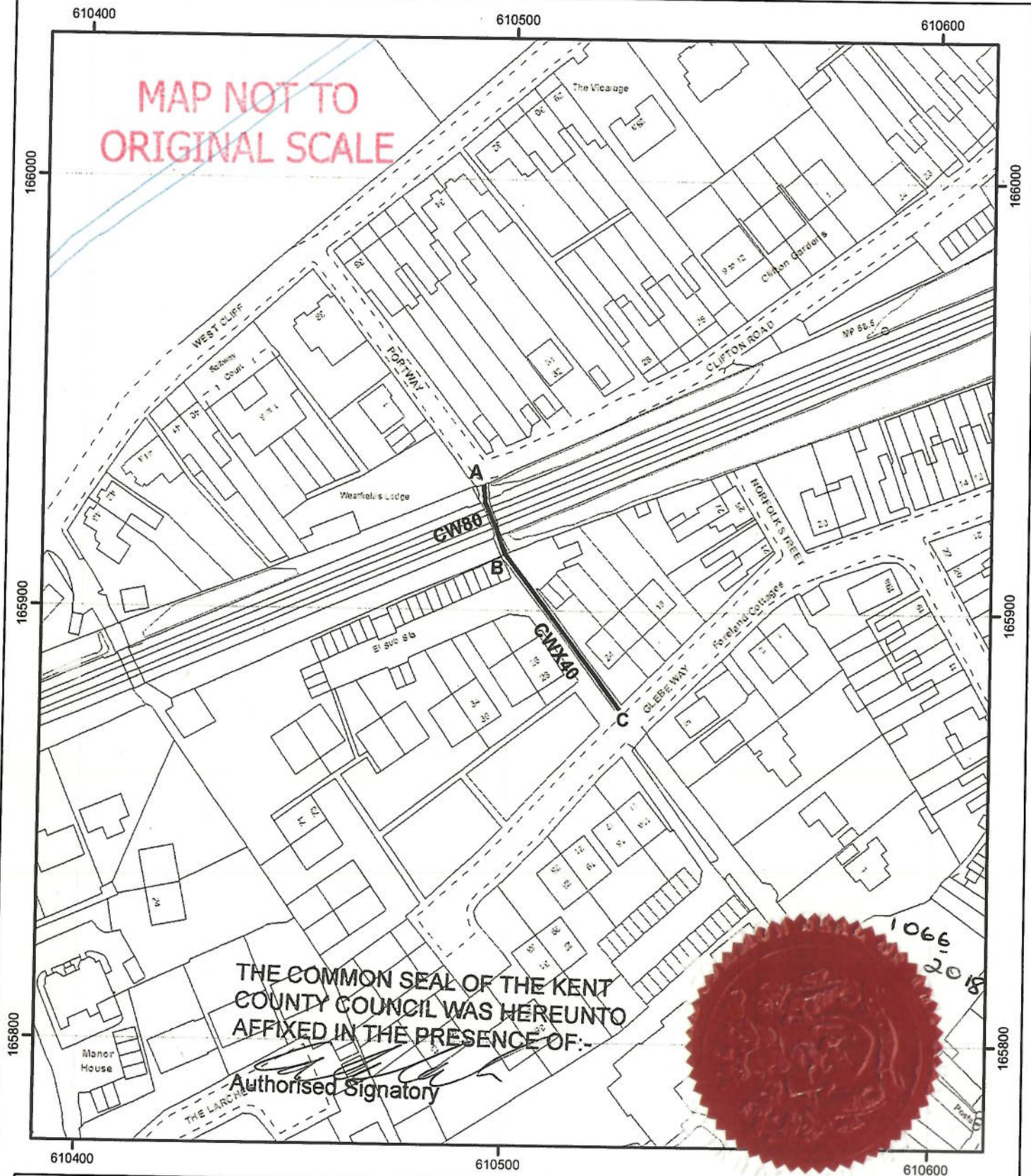
The Definitive Statement for Map Sheet 207 (TR1065) is amended by the addition of the following entries:

CW80 – Extinguished by The Kent County Council (Public Footpaths CW80 & CWX40, Whitstable) Rail Crossing Extinguishment and Definitive Map and Statement Modification Order 2018.

CWX40 - Extinguished by The Kent County Council (Public Footpaths CW80 & CWX40, Whitstable) Rail Crossing Extinguishment and Definitive Map and Statement Modification Order 2018.

**The Kent County Council (Public Footpaths CW80 & CWX40, Whitstable)
Rail Crossing Extinguishment and Definitive Map and Statement
Modification Order 2018**

MAP NOT TO
ORIGINAL SCALE



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

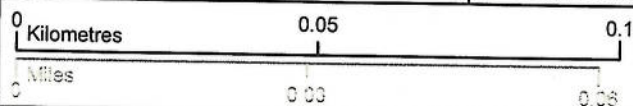
Authorised Signatory

Key

Routes to be
extinguished

Highways Act 1980 The Kent County Council (Public Footpaths CW80 & CWX40, Whitstable) Rail Crossing Extinguishment and Definitive Map and Statement Modification Order 2018

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Created by: MMcL Checked by: CW

Reference: PROW/CW11/10/NR



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