

NOTICE OF ORDER

Highways Act 1980 Section 119

The Kent County Council

(Public Footpath ZR408 (Part), Selling)

Public Path Diversion and Definitive Map and

Statement Modification Order 2019

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(s).

The **start date** for the above Order is **05 October 2020**.

Consideration of the Order will take the form of a hearing.

The Hearing will be held at **Selling Village Hall, Selling Road, Selling, Faversham, ME13 9RQ** on **19 January 2021** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert the entire width of that length of public footpath numbered ZR408 which commences at NGR TR 0315 5582 (Point A on the Order plan) and runs in an east north easterly direction for 158 metres to NGR TR 0330 5585 (Point B). As shown by a solid black line between Points A-B on the Order plan, and will add a new length of footpath numbered ZR408 with a width of 2.0 metres which will commence at NGR TR 0315 5582 (aforementioned Point A) and will run in a north easterly direction for 83 metres before running in an east north easterly direction for 74 metres to NGR 0328 5589 (Point B). As shown by a broken black line between Points A-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/3249807 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 Public rights of Way and Access, Kent County Council, Invicta

House, County Hall, Maidstone, Kent ME14 1XX. Please telephone 03000 418674 to make an appointment. **N.B. Due to Covid-19 restrictions, it is suggested that you contact the Council to make arrangements to view documents.**

Timetable for sending in statements of case

Within 8 weeks of the start date [by 30 November 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, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

Within 12 weeks of the start date [by 28 December 2020]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Hearing 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).

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 inflammatory, discriminatory or abusive comments. Any documents containing such comments will be returned.

Notice of order for hearing

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 hearing.

IN THE BOROUGH OF SWALE

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH ZR408 (PART), SELLING)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2019**

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 footpath described in paragraph 1 of this Order it is expedient that the line of Public Footpath ZR408 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 132 (TR05NW)) 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.

Swale 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 situated at Selling 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 the Order and thereupon the Definitive Map for the County of Kent (Map Sheet 132 (TR05NW)) 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 the Order a public footpath over the land situate at Selling 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 132 (TR05NW)) shall be modified by adding the path to it.
- 3A. The Definitive Statement for the County of Kent (Map Sheet 132 (TR05NW)) shall be modified as described in Part IV of the schedule to this Order.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 30th DAY OF MAY
IN THE YEAR TWO THOUSAND AND NINETEEN.

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



.....
Authorised Signatory



513-2019

SCHEDULE

PART I: DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of public footpath numbered ZR408 which commences at NGR TR 0315 5582 (Point A on the Order plan) and runs in a generally east north easterly direction for approximately 158 metres to NGR TR 0330 5585 (Point B). As shown by a solid black line between Points A-B on the Order plan.

PART II: DESCRIPTION OF SITE OF NEW PATH OR WAY

A new length of public footpath numbered ZR408 with a width of 2.0 metres which will commence at NGR TR 0315 5582 (aforementioned Point A) and will run in a generally north easterly direction for approximately 83 metres before running in a generally east north easterly direction for approximately 74 metres to NGR 0328 5589 (Point B). As shown by a broken black line between Points A-C on the Order plan.

PART III: LIMITATIONS AND CONDITIONS

None

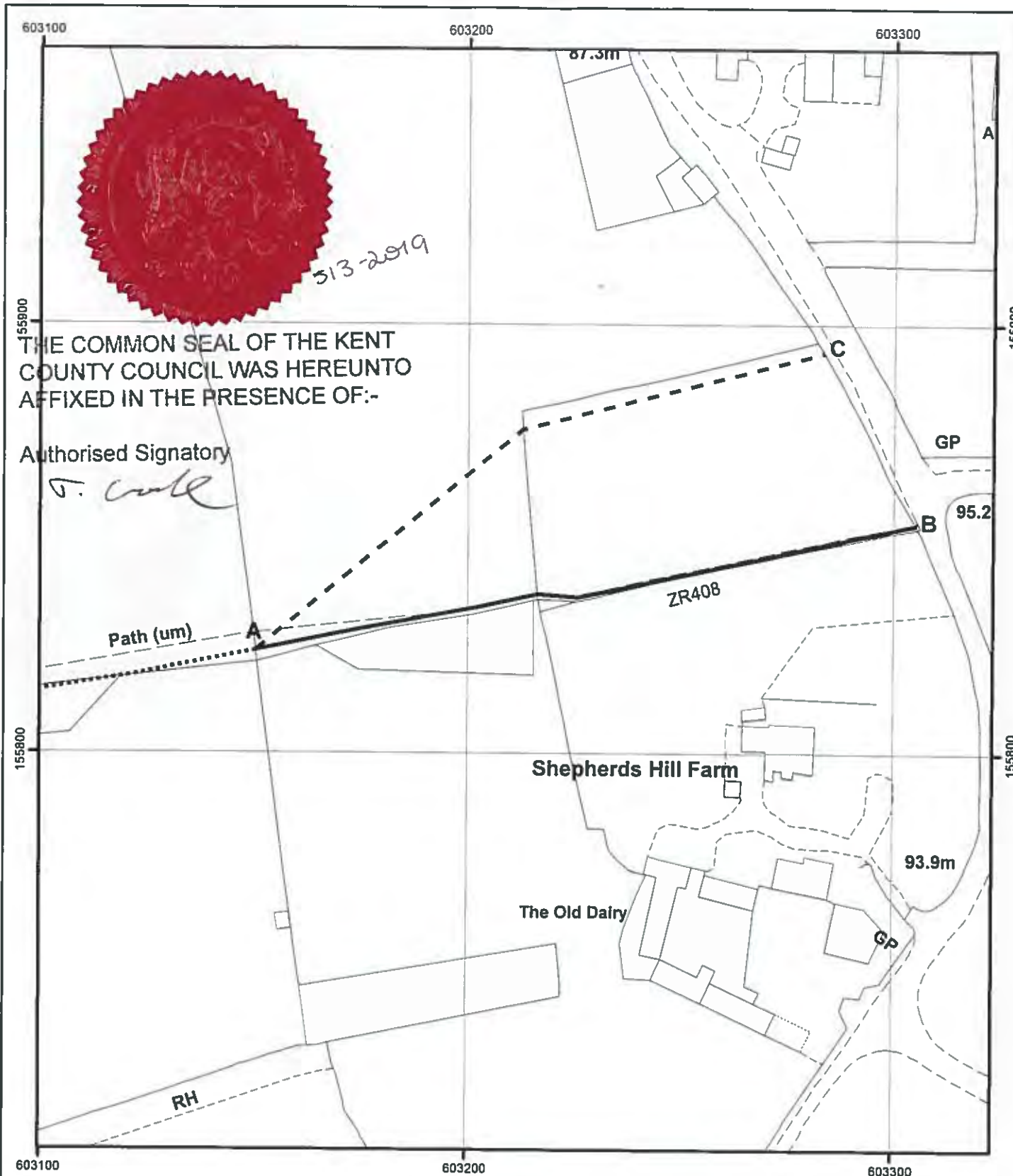
PART IV: MODIFICATION OF DEFINITIVE STATEMENT

The entry for **Public Footpath ZR408** is modified by the addition of the following:

Part diverted by The Kent County Council (Public Footpath ZR408 (Part), Selling) Public Path Diversion and Definitive Map And Statement Modification Order 2019 with a width of 2.0 metres for the new length of path.

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH ZR408 (PART), SELLING)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
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Key

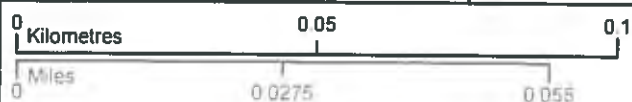
- Route to be diverted
- New Length of route
- Unaffected Routes

THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH ZR408 (PART), SELLING) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019

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Created by: WJB Checked by: LW

Reference: PROW/ZR408/1490

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