



Order Decision

Site visit on 13 November 2019

by Mark Yates BA(Hons) MIPROW

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

Decision date: 21 December 2020

Order Ref: ROW/3214739M

- This Order is made under Section 53(2)(a) of the Wildlife and Countryside Act 1981 ("the 1981 Act") and is known as The Kent County Council (Footpath EE487 at Goodnestone) Definitive Map Modification Order 2018.
 - The Order was made by Kent County Council ("the Council") on 23 May 2018 and proposed to add a footpath, in the parish of Goodnestone, to the definitive map and statement, as detailed in the Order Map and Schedule.
 - The Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
 - In accordance with Paragraph 8(2) of Schedule 15 to the 1981 Act I have given notice of my proposal to confirm the Order with modifications.
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Decision

1. The Order is confirmed.

Procedural Matters

2. This decision should be read in conjunction with my interim decision ("ID") of 23 December 2019 in which I proposed to make two slight modifications to the Order Map to reflect the route of the footpath shown on the 1825 diversion plan.

Main Issues

3. I outlined the relevant matters in relation to the Order, as made, in paragraph 2 of the ID. The issue now is whether there is any new evidence or argument which has a bearing on the modifications proposed in the ID.

Reasons

4. Objections to the proposed modifications were received from ET Landnet Ltd (Landnet) on behalf of the landowner and Mr Craddock. Both parties submitted that greater reliance should be placed on the other mapping, most notably the Ordnance Survey ("OS") maps, when determining the alignment of the footpath. This view is supported by the Council. However, I note that in a subsequent representation Landnet submits that reliance should be placed on the diversion plan and certain issues are highlighted in relation to this plan.
 5. Nothing further has been provided to persuade me that I should not have found on balance that a public footpath subsists. Therefore, the issue to be determined is the alignment of this footpath. The modifications proposed to the route of this footpath were minor in nature and reflected the apparent differences between the route shown on the diversion plan and OS mapping in two places. Having regard to the submissions of the parties, I am persuaded
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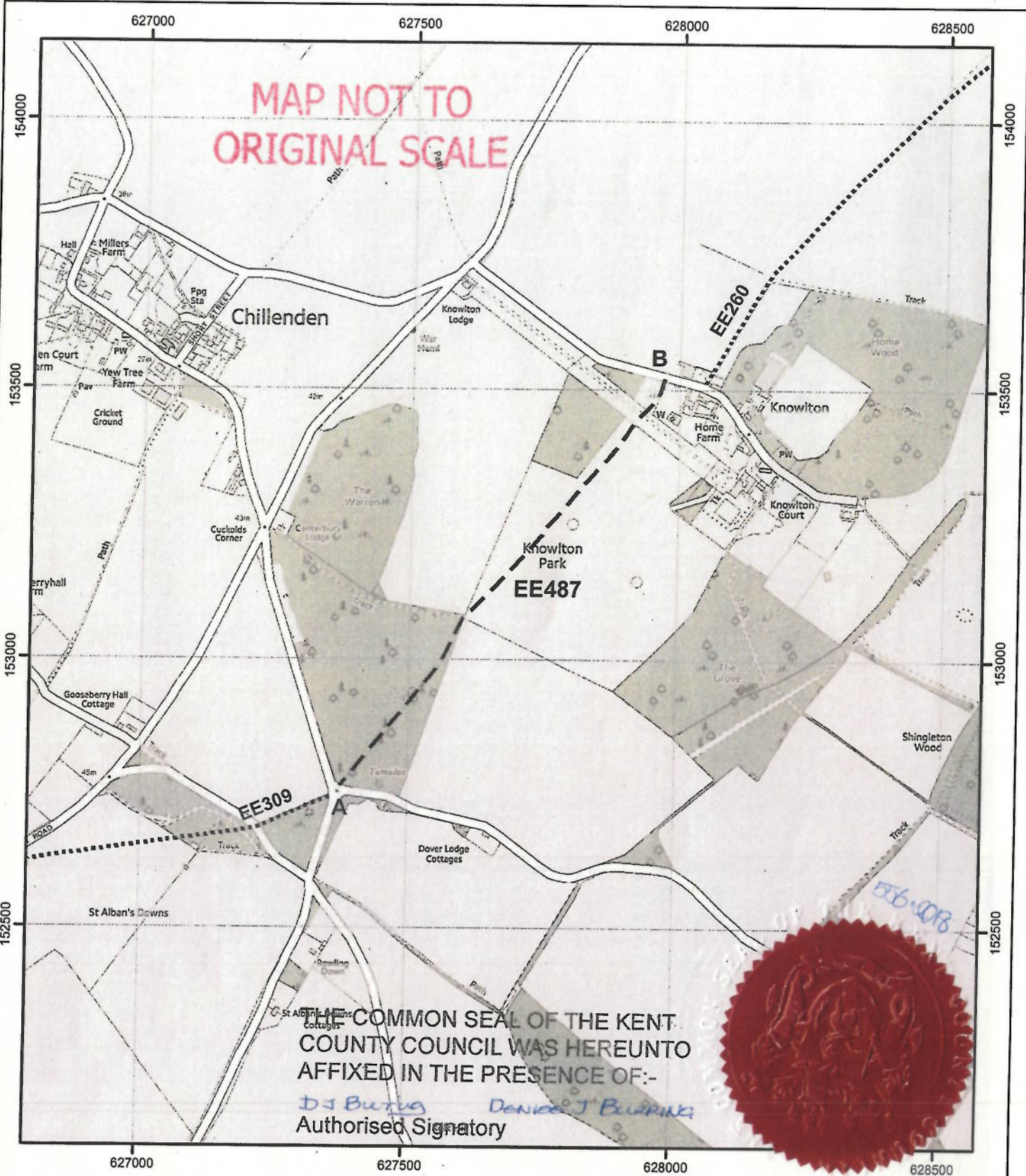
that the OS mapping more accurately reflects the route of the footpath. It follows that the Order should now be confirmed without any modifications being made to it.

Other Matters

6. Landnet raise concerns about the use of first names in correspondence between Mr Craddock and the case officer within the Planning Inspectorate. Reference is also made to Mr Craddock previously being employed by Defra. However, I have no personal involvement with any party in this case and I am satisfied that my decision has been reached in an open and impartial manner.

Mark Yates

Inspector



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

DJ Buttg *Denise J Buttg*
 Authorised Signatory

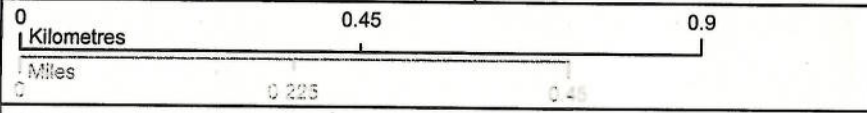
Key	
-----	Route to be Added
.....	Unaffected Routes

Wildlife & Countryside Act 1981
The Kent County Council
(Footpath EE487 at Goodnestone)
Definitive Map Modification Order 2018

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