

NOTICE OF ORDER

Town and Country Planning Act 1990 – Section 257
KENT COUNTY COUNCIL
Borough of Tonbridge & Malling (Public Footpath MR286 (Part) Offham &
Mereworth) Public Path Diversion and Definitive Map & Statement
Modification Order 2020

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 **18 March 2021**

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be **to divert**:

The entire width of that length of Public Footpath MR286 which commences at its junction with the unaffected length of Public Footpath MR286 at NGR TQ6594 5637 (Point A) and runs in a southerly direction for 915 metres to its connection with the unaffected length of Public Footpath MR286 and Public Bridleway MR260 at NGR TQ 6607 5546 (point B) (between the points A and B on the Order plan) and will add a new length of Public Footpath MR286 which commences at the previously mentioned point A at NGR TQ 6594 5637 and runs in a west south westerly direction for 144 metres to point X (NGR TQ 6580 5634), then west north westerly for 453 metres to point C (NGR TQ 6537 5649), then west south westerly for 314 metres to point D (NGR TQ 6510 5632) and then southerly for 110 metres to its connection with Public Bridleway MR260 at NGR TQ 6509 5621 (Point E) (between the points A-X-Y-C-D-E on the Order plan). The new length of path has a width of 2.0 metres except between points X (NGR TQ6580 5634) and Y (NGR TQ 6572 5636) where the width is 3.0 metres.

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 4445502. Email: clive.richards@planninginspectorate.gov.uk. Please quote reference number ROW/3265446 on all correspondence. **N.B. Due to Covid-19, it is recommended that you email The Planning Inspectorate as the office is only partially open.**

Any person wishing to view the statements of case and other documents relating to this Order may do so by contacting Mrs Laura Wilkins (Tel: 03000 413480) (email: laura.wilkins@kent.gov.uk). The documents can also be viewed online at www.kent.gov.uk/prownotices.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 01 April 2021]

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, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 13 May 2021]

Everyone who has made an objection or representation or any other written representation or any other person wishing to make representations in writing 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 full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) 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.

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, 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).

Within 14 weeks of the start date [by 22 July]

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

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

We cannot accept any inflammatory, discriminatory or abusive comments. Any documents containing such comments will be returned.

IN THE BOROUGH OF TONBRIDGE & MALLING

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53(A)(2)**

**THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH MR286 (PART) OFFHAM & MEREWORTH)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2020**

This Order is made by the Kent County Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the public footpath to which this Order relates in order to enable development to be carried out (in accordance with planning permission granted under part III of the Town and Country Planning Act 1990) namely: the development of land situated at Blaise Farm, Tower Hill, Offham and being the working of ragstone and restoration at a low level to agricultural use (Planning reference: TM/88/1002).

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 (Map Sheet 041 (TQ65NE)) for the County of Kent require 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 hitherto shown or required to be shown in the map and statement.

BY THIS ORDER:-

1. The public footpath over the land shown by a bold black line on the attached map and described in Part I of the schedule to this Order ("the schedule") shall be diverted and the definitive map and statement (Map Sheet 041 (TQ65NE)) for the County of Kent shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of the Kent County Council an alternative highway for use as a replacement for the said public footpath as provided in Part II of the schedule and shown by bold black dashes on the attached map.
3. The diversion of the public footpath shall have effect on the date on which the Kent County Council certify that the terms of Article 2 have been complied with and upon the occurrence of that diversion the definitive map for the County of Kent (Map Sheet 041 (TQ65NE)) shall be modified by deleting from it the path referred to in paragraph 1 of this Order and the path referred to in paragraph 2 of this Order shall be added to it, and the definitive statement shall be modified as described in Part III of the schedule.
4. Gallagher Aggregates Ltd are required to pay for the costs of bringing the new route into a fit condition for public use.
5. The relevant date of this Order will be as specified in paragraph 3.

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

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


.....
Authorised Signatory



500 - 2020

SCHEDULE

PART I

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The entire width of that length of **Public Footpath numbered MR286** which commences at its junction with the unaffected length of Public Footpath MR286 at NGR TQ 6594 5637 (Point A) and runs in a generally southerly direction for approximately 915 metres to its connection with the unaffected length of Public Footpath MR286 and Public Bridleway MR260 at NGR TQ 6607 5546 (point B) (between the points A and B on the Order plan).

PART II

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

A new length of **Public Footpath numbered MR286** which commences at the previously mentioned point A at NGR TQ 6594 5637 and runs in a generally west south westerly direction for approximately 144 metres to point X (NGR TQ 6580 5634), then generally west north westerly for approximately 453 metres to point C (NGR TQ 6537 5649), then generally west south westerly for approximately 314 metres to point D (NGR TQ 6510 5632) and then generally southerly for approximately 110 metres to its connection with Public Bridleway MR260 at NGR TQ 6509 5621 (Point E) (between the points A-X-Y-C-D-E on the Order plan). The new length of path has a width of 2.0 metres except between points X (NGR TQ 6580 5634) and Y (NGR TQ 6572 5636) where the width is 3.0 metres.

PART III

MODIFICATION OF DEFINITIVE STATEMENT

The entry for **Public Footpath MR286** is modified by the addition of the following: -

Part diverted by the Kent County Council (Public Footpath MR286 (part) Offham & Mereworth) Public Path Diversion and Definitive Map and Statement Modification Order 2020. The new length of path has a width of 2.0 metres except between points X (NGR TQ6580 5634) and Y (NGR TQ 6572 5636) where the width is 3.0 metres.

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53(A)(2)**

**KENT COUNTY COUNCIL
(PUBLIC FOOTPATH MR286 (PART) OFFHAM & MEREWORTH)
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Key

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

Town & Country Planning Act 1990 Section 257
Highways Act 1980 Section 149
The Highways Act 1980 (Part 1) Section 149
Public Footpath MR286 (part) Offham & Mereworth)

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