

## **STATEMENT TO ACCOMPANY**

### **THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH MR144 (part) KINGS HILL) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2023**

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Under The Highways Act 1980, the County Council has the power to make Orders to create, extinguish or divert Footpaths, Bridleways and Restricted Byways. Legislation affecting this proposal is contained within section 119 of the Highways Act 1980. The grounds for a diversion are that it is either in the interest of the owner/occupier of the land or of the public. It should, however, be noted that section 119 also provides that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the Order having regard to the effect which the diversion would have on public enjoyment of the path or way as a whole. The Wildlife and Countryside Act 1981 amended the grounds by which a public path may be diverted.

The Kent County Council has made an Order to divert part of Public Footpath MR144 at Kings Hill under section 119 of the Highways Act 1980. This statement has been prepared to explain various aspects of the Order.

The application has been made by the landowner in whose interests it is to divert the path. The current definitive line of the path passes through the landscaping to be provided as part of the approved development. This order will divert the path to a purpose built surfaced 3.0 metre-wide path in a green corridor. The path will cross the roads at a raised table, and authorised bollards leaving a 1.525 metre gap will be installed near to the road crossings for the safety of the path users, creating a pleasant environment for the path users.

It is not considered that the proposal would have any negative impact upon the public enjoyment of the route or that the proposed new route will be substantially less convenient than the existing.

The Order will come into force only after the County Council has confirmed the Order, making and advertising the Order simply provides an opportunity for objections or representations to be made.

Persons considering objecting or making representations relating to the Order are invited to discuss their concerns with the Case Officer, Mr William Barfoot, on 03000 418674.

**Any representation about or objection to the Order may be sent in writing to William Barfoot at the Kent County Council (PROW and Access, 1st Floor, Invicta House, Maidstone, Kent, ME14 1XX ) (email: [william.barfoot@kent.gov.uk](mailto:william.barfoot@kent.gov.uk) ) (Tel: 03000 418674 ) not later than 22nd September 2023. Please state the grounds on which they are made.**

The right of an objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders may be awarded against objectors in cases of unreasonable behaviour. We cannot accept any inflammatory, discriminatory, or abusive comments. Any responses containing such comments will be returned.

If any objections are made and not withdrawn, the Council may refer the Order and objections to the Department of the Environment for determination. An Inspector from the Planning Inspectorate will then either take written representations or hear the objections at a Public Inquiry or Hearing. The Inspector can confirm the Order, confirm it with modifications, or refuse to confirm it. If no objections are received the Council may confirm the Order itself, but it has no power to modify Orders.

**Kent County Council PROW and Access Service  
Invicta House, County Hall, Maidstone, Kent ME14 1XX**

# IN THE BOROUGH OF TONBRIDGE AND MALLING

## NOTICE OF PUBLIC PATH ORDER

HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981

**THE KENT COUNTY COUNCIL  
(PUBLIC FOOTPATH MR144 (part) KINGS HILL)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2023**

The above named Order made on 9<sup>th</sup> August 2023 under Section 119 of the Highways Act 1980 will divert the entire width of that length of public footpath numbered MR144 that commences on an unaffected section of Public Footpath MR144 at NGR TQ 6770 5632 (Point A on the order plan) and runs in a south-easterly direction for 16 metres to NGR TQ 6771 5631 (Point B) and then in an easterly direction for 117 metres to NGR TQ 6783 5631 (Point C), continuing in a north-easterly direction for 19 metres to NGR TQ 6785 5632 (Point D) and then in an east-north-easterly direction for 55 metres to NGR TQ 6790 5634 (Point E) and then in a south-easterly direction for 62 metres to NGR TQ 6796 5631 (Point F). As shown by the bold continuous line between Points A-B-C-D-E-F on the order plan

and will add a new length of public footpath numbered MR144 with a width of 3.0 metres that commences at an unaffected section of Public Footpath MR144 at the aforementioned Point A and runs in an east-south-easterly direction for 36 metres to NGR TQ 6773 5631 (Point G), and then in an east-north-easterly direction for 16 metres to NGR TQ 6775 5631 (Point H), and then in an easterly direction for 97 metres to NGR TQ 6785 5632 (Point J) continuing in an east-north-easterly direction for 60 metres to NGR TQ 6791 5633 (Point K) and then in an east-south-easterly direction for 54 metres to the aforementioned Point F. As shown by a bold broken line between Points A-G-H-J-K-F on the order plan.

All directions general, all distances approximate.

A copy of the Order and the Map have been placed and may be seen free of charge at the Offices of Tonbridge and Malling Borough Council at Gibson Building, Gibson Drive, Kings Hill, West Malling Kent, ME19 4LZ or at the Kent County Council, History & Library Centre, James Whatman Way, Maidstone, Kent, ME14 1LQ, from 10am-5pm. The documents can also be viewed online at [www.kent.gov.uk/prownotices](http://www.kent.gov.uk/prownotices) or a copy can be obtained by contacting William Barfoot on 03000 418674 or email [william.barfoot@kent.gov.uk](mailto:william.barfoot@kent.gov.uk)

**Any representation about or objection to the Order may be sent in writing to William Barfoot at the Kent County Council (PROW and Access, 1st Floor, Invicta House, Maidstone, Kent, ME14 1XX ) (email: [william.barfoot@kent.gov.uk](mailto:william.barfoot@kent.gov.uk)) (Tel: 03000 418674 ) not later than 22<sup>nd</sup> September 2023. Please state the grounds on which they are made.**

Please note that objections/representations cannot be treated as confidential and may come into the public domain. Copies of any objections or representations received may be disclosed to interested parties, including the Planning Inspectorate where the case is referred to it for determination.

If no such representations or objections are duly made, or if any so made are withdrawn, the Kent County Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for the Environment for confirmation any representations and objections which have not been withdrawn will be sent with the Order.

**PROW & Access Service  
Invicta House  
Maidstone, Kent  
ME14 1XX**

Dated: 25<sup>th</sup> August 2023



**This document is available in alternative formats and can be explained  
in a range of languages.**

This Notice can be removed after 23 September 2023

**IN THE BOROUGH OF TONBRIDGE AND MALLING**

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

**THE KENT COUNTY COUNCIL  
(PUBLIC FOOTPATH MR144 (part) KINGS HILL)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2023**

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 footpath MR144 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 041 (TQ65NE)) 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 right of way over the land situated at Kings Hill 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 041 (TQ65NE)) 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 situated at Kings Hill 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 041 (TQ65NE)) shall be modified by adding the path to it.
- 3A. The Definitive Statement for the County of Kent (Map Sheet 041 (TQ65NE)) shall be modified as described in Part IV of the schedule to this Order.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS <sup>9<sup>th</sup></sup> DAY OF  
August IN THE YEAR TWO THOUSAND AND TWENTY-THREE

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

  
.....  
Authorised Signatory



743-2023

## SCHEDULE

### **PART I: DESCRIPTION OF SITE OF EXISTING PATH OR WAY**

The entire width of that length of public footpath numbered MR144 that commences on an unaffected section of Public Footpath MR144 at NGR TQ 6770 5632 (Point A on the order plan) and runs in a generally south-easterly direction for approximately 16 metres to NGR TQ 6771 5631 (Point B) and then in a generally easterly direction for approximately 117 metres to NGR TQ 6783 5631 (Point C), continuing in a generally north-easterly direction for approximately 19 metres to NGR TQ 6785 5632 (Point D) and then in a generally east-north-easterly direction for approximately 55 metres to NGR TQ 6790 5634 (Point E) and then in a generally south-easterly direction for approximately 62 metres to NGR TQ 6796 5631 (Point F). As shown by the bold continuous line between Points A-B-C-D-E-F on the order plan.

### **PART II: DESCRIPTION OF SITE OF NEW PATH OR WAY**

A new length of public footpath numbered MR144 with a width of 3.0 metres that commences at an unaffected section of Public Footpath MR144 at the aforementioned Point A and runs in a generally east-south-easterly direction for approximately 36 metres to NGR TQ 6773 5631 (Point G), and then in a generally east-north-easterly direction for approximately 16 metres to NGR TQ 6775 5631 (Point H), and then in a generally easterly direction for approximately 97 metres to NGR TQ 6785 5632 (Point J) continuing in a generally east-north-easterly direction for approximately 60 metres to NGR TQ 6791 5633 (Point K) and then in a generally east-south-easterly direction for approximately 54 metres to the aforementioned Point F. As shown by a bold broken line between Points A-G-H-J-K-F on the order plan.

### **PART III: LIMITATIONS AND CONDITIONS**

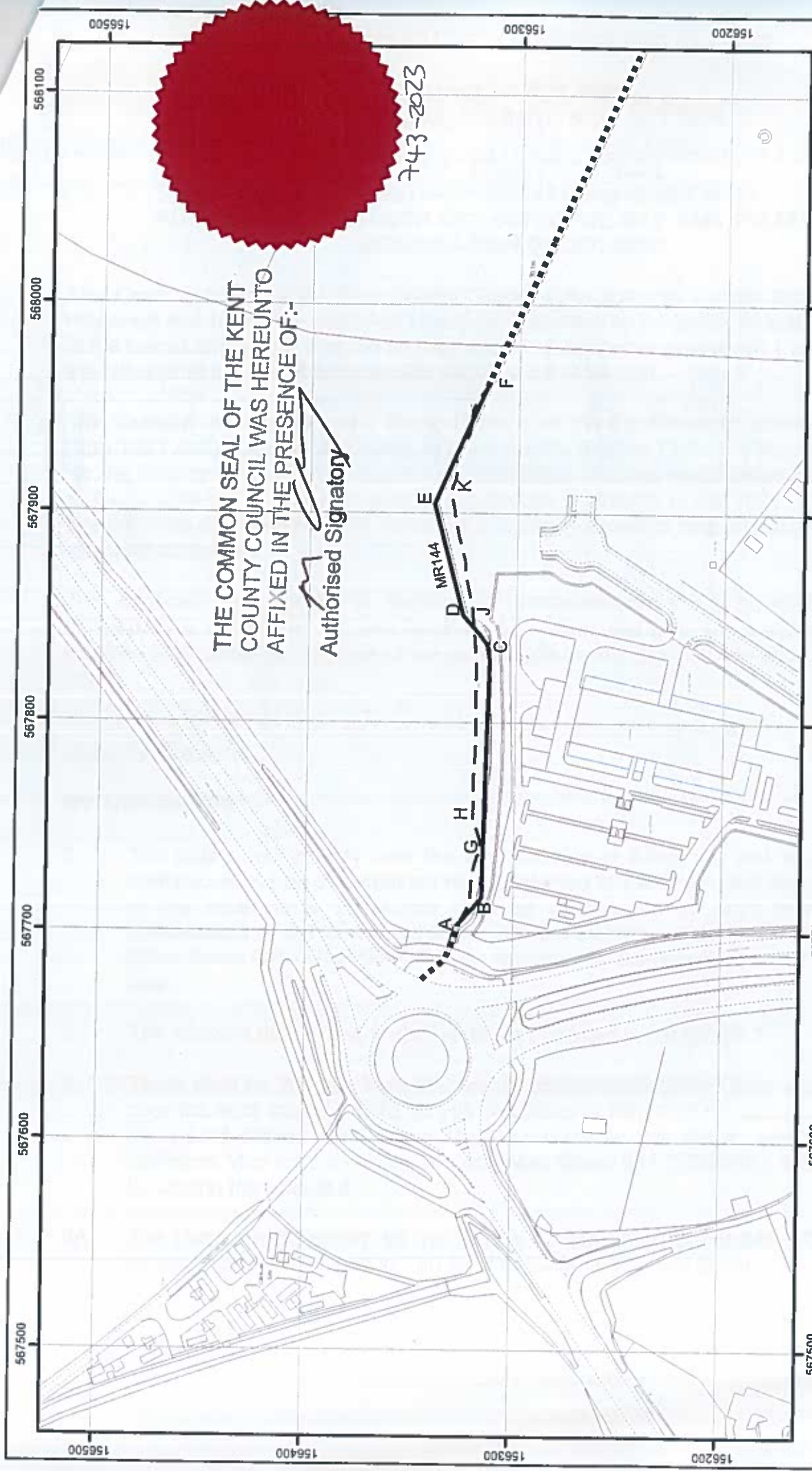
None

### **PART IV: MODIFICATION OF DEFINITIVE STATEMENT**

*The entry for **Public Footpath MR144** is modified by the addition of the following:*

Part diverted by the Kent County Council (Public Footpath MR144 (part) Kings Hill) Public Path Diversion and Definitive Map and Statement Modification Order 2023 with a width of 3.0 metres for the new length of path.

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
THE KENT COUNTY COUNCIL  
(PUBLIC FOOTPATH MR144 (part) KINGS HILL)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2023**



N

1:2,500

0 Kilometres 0.1 0.2

0 Miles 0.05 0.1

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Highways Act 1980  
Wildlife and Countryside Act 1981  
The Kent County Council  
(Public Footpath MR144 (part), Kings Hill)  
Public Path Diversion and Definitive Map and  
Statement Modification Order 2023

**Key**

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

Public Rights of Way and Access Service