

IN THE BOROUGH OF ASHFORD

NOTICE OF MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT

**THE KENT COUNTY COUNCIL (FOOTPATH AB70 AT TENTERDEN)
DEFINITIVE MAP MODIFICATION ORDER 2020**

The above Order was made on 4 December 2020 under section 53 of the Wildlife and Countryside Act 1981. If confirmed, it will modify the Definitive Map and Statement for the area by adding a public footpath numbered AB70, which commences at its connection with public footpath numbered AB12 at NGR TQ 8935 3397 (point A) and runs east through east south-east for 278 metres, then south south-east for 266 metres, then west south-west for 244 metres to a second connection with public footpath numbered AB12 at NGR TQ 8954 3360 (point C); It continues to run west south-west for 105 metres and then it runs north-west for 206 metres, then north north-west for 145 metres, and then north-north-east for 216 metres to its third connection with public footpath numbered AB12 at NGR TQ 8941 3389 (point F), between the points A-B-C-D-E-F on the Order plan. The path has a width of 2.0 metres between points A-D and points E-F, with a reduced width of 1.5 metres at point B (NGR TQ 8970 3383), where it passes between trees and a width of 1.5 metres between point D (NGR TQ 8944 3359) and point E (NGR TQ 8932 3384).

All distances are approximate, all directions are general.

Due to current restrictions Council offices are closed. Therefore should you require a copy of the Order and plan please contact Public Rights of Way Officer Maria Mclauchlan on 03000 41 34 20 or maria.mclauchlan@kent.gov.uk. The documents can also be viewed online at www.kent.gov.uk/prownotices

Any representation about or objection to the Order must be sent or delivered in writing to Maria Mclauchlan at the Kent County Council, PROW and Access Service, Invicta House, Maidstone, Kent, ME14 1XX no later than 28 January 2021. 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If no such representations or objections are duly made to the Order (or to any part of it), or if any so made are withdrawn, the Kent County Council, instead of submitting the Order to the Secretary of State (or part of it if the Authority has by Notice to the Secretary of State so elected under paragraph 5 of schedule 15 to the Wildlife and Countryside Act 1981) may itself confirm the Order (or that part of the Order). If the Order is sent to the Secretary of State for the Environment (in whole or in part), any representations or objections which have been duly made and not been withdrawn will be sent with it.

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

Date: 17 December 2020



Statement to Accompany

Wildlife and Countryside Act 1981

The Kent County Council (Footpath AB700 at Tenterden) Definitive Map Modification Order 2020

Under section 53(5) of the Wildlife and Countryside Act 1981, anyone may make an application to the County Council for a modification to be made to the Definitive Map and/or Statement. Such an application might consist of a request to record a new Public Right of Way, to delete an existing Public Right of Way, to upgrade or downgrade the status of a route already shown on the map, or to amend any particulars contained within the statement accompanying the Definitive Map.

The 1981 Act states that the Highway Authority may make a Definitive Map Modification Order to add a public right of way to the Definitive Map and Statement if it is shown that the right of the public to use it is at least reasonably alleged to subsist.

In considering an application to add routes to the Definitive Map, it is also necessary to take into account section 31(1) of the Highways Act 1980 which states that *'where a way over any land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it'*.

The County Council has made this Definitive Map Modification Order on the basis that the claimed route has been used by the public in excess of 20 years without interruption. The reasons are set out in further detail in the delegated authority report which is available on request from the Public Rights of Way Officer at the address below.

The Order will come into force only after it has been confirmed; 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 Public Rights of Way Officer, Mrs Maria McLauchlan (telephone number 03000 41 34 20).

Any representation about or objection to the Order must be sent or delivered in writing to Mrs Maria McLauchlan at Kent County Council, PROW & Access Service, Invicta House, County Hall, Maidstone, Kent ME14 1XX (email: maria.mclauchlan@kent.gov.uk). They should state the grounds on which they are made and must be received no later than 28 January 2021.

Please note that the right of an objection 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 or spurious objections.

If any objections are made and not withdrawn, the County Council will refer the Order and objections to the Secretary of State for the Environment, Food and Rural Affairs 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 County Council will confirm the Order itself, but it has no power to modify Orders.

**THIS STATEMENT DOES NOT CONSTITUTE PART OF THE ORDER
AND IS PURELY FOR INFORMATION ONLY**

IN THE BOROUGH OF ASHFORD
WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT
MAP SHEET 076 (TQ83SE)
THE KENT COUNTY COUNCIL (FOOTPATH AB70 AT TENTERDEN)
DEFINITIVE MAP MODIFICATION ORDER 2020

This Order is made by the Kent County Council ("the Authority") under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the Authority that map sheet 076 (TQ83SE) of the Definitive Map and Statement for the County of Kent requires modification in consequence of the occurrence of an event specified in 53(3)(c)(i), namely the discovery of evidence by the Authority which shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path or a restricted byway or, subject to section 54A, a Byway Open to All Traffic.

The Authority has consulted with every local authority whose area includes the land to which the Order relates.

The Kent County Council hereby orders that:

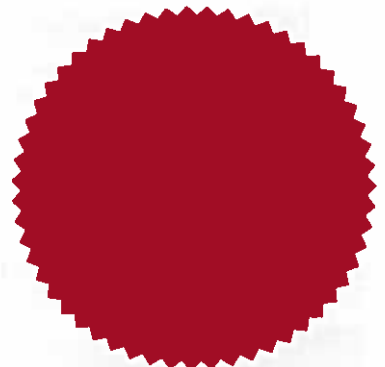
1. For the purpose of this Order the relevant date is First day of December 2020.
2. Sheet 076 (TQ83SE) of the Definitive Map for the County of Kent and its associated Statement shall be modified as described in Part I AND Part II of the Schedule and shown on the map attached to this Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the "*The Kent County Council (Footpath AB70 at Tenterden) Definitive Map Modification Order 2020*".

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 4th DAY OF DECEMBER IN THE YEAR TWO THOUSAND AND TWENTY

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



.....
AUTHORISED SIGNATORY



1001-2020

SCHEDULE

PART I: MODIFICATION OF DEFINITIVE MAP

Description of path to be added

The effect of the Order is to add a public footpath numbered AB70, which commences at its connection with public footpath numbered AB12 at NGR TQ 8935 3397 (point A) and runs generally east through east south-east for approximately 278 metres, then generally south south-east for approximately 266 metres, then generally west south-west for approximately 244 metres to a second connection with public footpath numbered AB12 at NGR TQ 8954 3360 (point C). It continues to run generally west south-west for approximately 105 metres and then it runs generally north-west for approximately 206 metres, then generally north north-west for approximately 145 metres, and then generally north-north-east for approximately 216 metres to its third connection with public footpath numbered AB12 at NGR TQ 8941 3389 (point F). Between the points A-B-C-D-E-F on the Order plan. The path has a width of 2.0 metres between points A-D and points E-F, with a reduced width of 1.5 metres at point B (NGR TQ 8970 3383), where it passes between trees and a width of 1.5 metres between point D (NGR TQ 8944 3359) and point E (NGR TQ 8932 3384).

PART II: MODIFICATION OF DEFINITIVE STATEMENT

The Definitive Statement is amended by the addition of the following entry:

AB70 – Footpath

Connections – AB12, AB12 again, AB12 again

Added by The Kent County Council (Footpath AB70 at Tenterden) Definitive Map Modification Order 2020. The path has a width of 2.0 metres between points A-D and points E-F, with a reduced width of 1.5 metres at point B (NGR TQ 8970 3383), where it passes between trees and a width of 1.5 metres between point D (NGR TQ 8944 3359) and point E (NGR TQ 8932 3384).

*The connections item for **Public Footpath AB12** is amended as follows:*

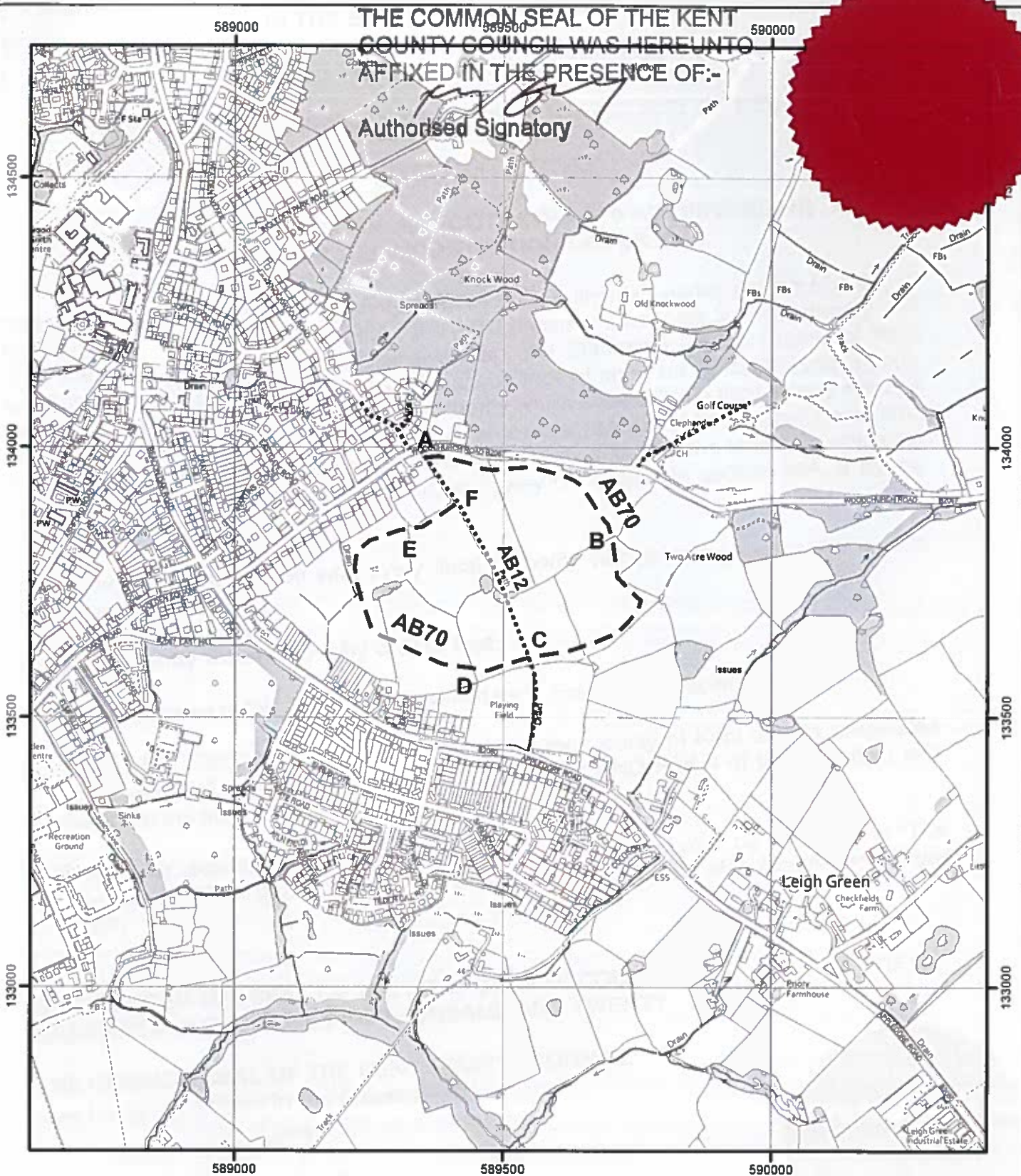
Add – AB70, AB70 again, AB70 again

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE KENT COUNTY COUNCIL ([FOOTPATH AB70 AT TENTERDEN])
DEFINITIVE MAP MODIFICATION ORDER 2020**

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

Authorised Signatory



Key

- - - - - Route to be Added
- Unaffected Routes

Wildlife & Countryside Act 1981
The Kent County Council
(Footpath AB70 at Tenterden)
Definitive Map Modification Order 2020

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Created by: MMcL Checked by: GR

Reference: PROWIAS/C426

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