

**IN THE BOROUGH OF TUNBRIDGE WELLS**

**NOTICE OF PUBLIC PATH ORDER**

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

**THE KENT COUNTY COUNCIL  
(PUBLIC FOOTPATH WC302 (part), SANDHURST)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2019**

The above named Order made on 14<sup>th</sup> November 2019 under Section 119 of the Highways Act 1980 will divert the entire width of that length of public footpath numbered WC302, which commences on Crouch Lane at NGR TQ 8082 2844 (point A) and runs north through to south-west, then north-west for 240 metres to another point on public footpath numbered WC302 at NGR TQ 8066 2852 (point B), between the points A-B on the Order plan, and it will add a new length of public footpath numbered WC302, which commences at the aforementioned point B and runs south-east for 118 metres to NGR TQ 8076 2846 (point C), then north-east for 49 metres to NGR TQ 8079 2850 (point D), and then south for 79 metres to its connection with Crouch Lane at NGR TQ 8081 2843 (point E), between the points B-C-D-E on the Order plan. The new path will have a width of 2.0 metres between points B-C and a width of 2.5 metres between points C-D-E.

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 Tunbridge Wells Gateway, 8 Grosvenor Road, Royal Tunbridge Wells, Kent, TN1 2AB or at the Kent County Council, PROW and Access Service, Invicta House, Maidstone, Kent, ME14 1XX, during office hours. Copies of the Order and Map may be purchased there at the price of £10.

Any representation about or objection to the Order may be sent in writing to Mrs Maria McLauchlan at the Kent County Council (address as below; email: [maria.mclauchlan@kent.gov.uk](mailto:maria.mclauchlan@kent.gov.uk); Tel: 03000 413420) not later than 27<sup>th</sup> December 2019. 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If no such representations or objections are duly made, or if any so made are withdrawn, the Kent County Council may confirm the Order as an unopposed Order.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: 29<sup>th</sup> November 2019

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

**This Notice can be removed after 27<sup>th</sup> December 2019**

## **STATEMENT TO ACCOMPANY**

### **THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH WC302 (part), SANDHURST) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019**

Under The Highways Act 1980, the County Council has the power to make Orders to create, extinguish or divert footpaths and bridleways. 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 and/or of the public. The Wildlife and Countryside Act 1981 amended the grounds by which a public path may be diverted.

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.

Kent County Council has made an Order to divert part of Public Footpath WC302 under The Highways Act 1980, Section 119. This statement has been prepared to explain various aspects of the Order.

The application has been made by the landowner of Puxtye Farm, Mr Cunningham, primarily for reasons of privacy and security. The footpath commences on Crouch Lane but the first 65 metres (approximately) of the definitive line from that point has been obstructed for many years. As a result, people have been using the driveway to Puxtye Farm. The path then continues to run through the farmyard, where there are often chickens and other animals roaming freely, and close to the residential dwellings, giving concerns for privacy and security. The new path will take the walker away from the farm buildings and through the open field. It will have a width of 2 metres between points B-C and then a width of 2.5 metres for its remaining length between points C-D-E.

Kent County Council is satisfied that the proposed new route is in the interest of the landowner. In addition, it will not be substantially less convenient to the public nor will any enjoyment be lost by the diversion.

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, Tel: 03000 413420, email: maria.mclauchlan@kent.gov.uk.

Objections or representations relating to the Order must be made in writing to Mrs Maria McLauchlan at the address below, no later than 27<sup>th</sup> December 2019.

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.

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.

**THIS STATEMENT DOES NOT FORM PART OF THE ORDER**

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

**THE KENT COUNTY COUNCIL  
(PUBLIC FOOTPATH WC302 (part), SANDHURST)  
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 footpath WC302 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 072 (TQ82NW)) 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.

Tunbridge Wells 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 Sandhurst 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 072 (TQ82NW)) 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 Sandhurst, 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 072 (TQ82NW)) shall be modified by adding the path to it.
- 3A. The Definitive Statement for the County of Kent (Map Sheet 072 (TQ82NW)) shall be modified as described in Part IV of the schedule to this Order.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 14<sup>th</sup> DAY OF NOVEMBER IN THE YEAR TWO THOUSAND AND NINETEEN.

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

*Tom Gray*

.....  
Authorised Signatory



117-2019

## **SCHEDULE**

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

The entire width of that length of public footpath numbered WC302, which commences on Crouch Lane at NGR TQ 8082 2844 (point A) and runs generally north through to south-west, then north-west for approximately 240 metres to another point on public footpath numbered WC302 at NGR TQ 8066 2852 (point B). Between the points A-B on the Order plan.

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

A new length of public footpath numbered WC302, which commences at the aforementioned point B and runs generally south-east for approximately 118 metres to NGR TQ 8076 2846 (point C), then generally north-east for approximately 49 metres to NGR TQ 8079 2850 (point D), and then generally south for approximately 79 metres to its connection with Crouch Lane at NGR TQ 8081 2843 (point E), approximately 14 metres south-west of the aforementioned point A. Between the points B-C-D-E on the Order plan. The new path will have a width of 2.0 metres between points B-C and a width of 2.5 metres between points C-D-E.

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

*None.*

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

*The entry for **Public Footpath WC302** is modified by the addition of the following:*

Part diverted by the Kent County Council (Public Footpath WC302 (part), Sandhurst) Public Path Diversion and Definitive Map and Statement Modification Order 2019 The new path will have a width of 2.0 metres between points B-C and a width of 2.5 metres between points C-D-E on the Order plan.

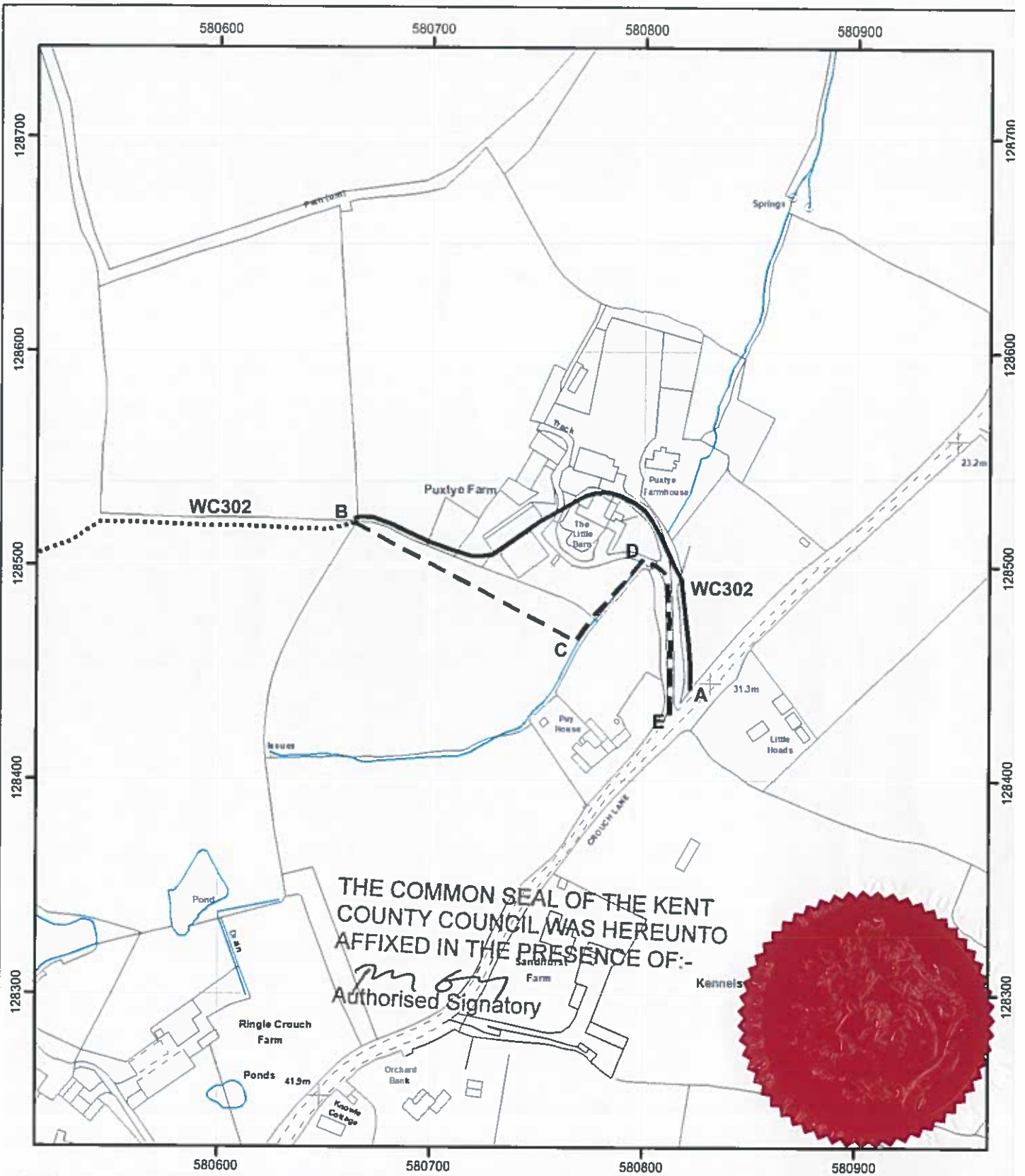
*The connections item for **Public Footpath WC302** is amended as follows:*

*Delete: D820  
Add: Crouch Lane*

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

### **THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH WC302 (part), SANDHURST) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019**





THE COMMON SEAL OF THE KENT COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:-  
*[Signature]*  
 Authorised Signatory



**Key**  
 ——— Route to be diverted  
 - - - - - New Length of route  
 ..... Unaffected Routes

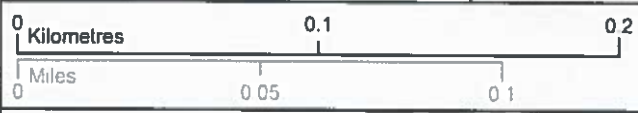
**Highways Act 1980**  
**The Kent County Council**  
**(Public Footpath WC302 (part), Sandhurst)**  
**Public Path Diversion and Definitive**  
**Map and Statement Modification Order 2019**

11/7-2019



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