

IN THE BOROUGH OF ASHFORD
NOTICE OF PUBLIC PATH ORDER
HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH AU1, ASHFORD)
PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2017

The above named Order made on 11th May 2017 under Section 118 of the Highways Act 1980 will extinguish the entire width of that length of Public Footpath numbered AU1 which commences at its connection with Restricted Byway AU2 at NGR TR0007 4543 (Point A on the Order plan) and runs in a north-easterly direction for 268 metres to Sandyhurst Lane at NGR TR0015,4567 (Point B).

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 Ashford Borough Council at Ashford Gateway Plus, Church Road, Ashford, Kent, TN23 1AS or at the Kent County Council, Countryside Access Service, Invicta House, Maidstone, Kent, ME14 1XX. Copies of the Order and Map may be purchased there at the price of £5.

Any representation about or objection to the Order may be sent in writing to William Barfoot (address below) (Tel: 03000 418674) (email: william.barfoot@kent.gov.uk) before 30th June 2017 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If no such representations or objections are duly made to the Order (or to any part of it), or if any so made are withdrawn, the Kent County Council may confirm the Order as an unopposed Order.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to the Secretary of State for the Environment for confirmation any representations and objections which have not been withdrawn will be sent with the Order.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
Tel: 03000 418674



Dated: 2nd June 2017

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

STATEMENT TO ACCOMPANY

The Kent County Council (Public Footpath AU1, Ashford) Public Path Extinguishment and Definitive Map and Statement Modification Order 2017

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 118 of the Highways Act 1980.

The grounds for an extinguishment are that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use. It should, however, be noted that section 118 also provides that the Highways Authority is satisfied that it is expedient so to do having regard to the extent (if any) to which it appears that the path would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have on land served by the path.

The Kent County Council has made an Order to extinguish the entirety of Public Footpath AU1 at Ashford under section 118 of the Highways Act 1980. This statement has been prepared to explain various aspects of the Order.

The application has been made by one of the landowners whose property the footpath passes through. The definitive line of the path passes through eleven residential properties and one parcel of farming land, and is obstructed by the properties gardens and in some cases by the buildings themselves. The termination points are via a driveway on Sandyhurst Lane and a fenced off field at the connection with AU2.

Bridleway AU2 provides a suitable and safe alternative to AU1 with connections to the wider PROW network and beyond. AU2 also provides a safer and wider termination point on Sandyhurst Lane than that of AU1.

As such it is considered expedient that the path should be stopped up on the ground that it is not needed for public use.

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

Objections or representations relating to the Order must be made in writing to Mr William Barfoot at the address below or by email to william.barfoot@kent.gov.uk no later than Friday 30th June 2017.

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.

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

IN THE BOROUGH OF ASHFORD

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

**THE KENT COUNTY COUNCIL
(PUBLIC FOOTPATH AU1, ASHFORD)
PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2017**

This Order is made by the Kent County Council under Section 118 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that the Public Footpath described in paragraph 1 below is not needed for public use, and thereupon the Definitive Map and Statement (Map Sheet 128 (TR04NW)) for the County of Kent shall be modified accordingly.

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 128 (TR04NW)) for the County of Kent requires modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.

Ashford 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 Ashford and shown by a continuous bold line on the attached map contained in the Order and described in the schedule to this Order shall be stopped up from the date of confirmation of this Order and thereupon the Definitive Map for the County of Kent (Map Sheet 128 (TR04NW)) 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. The Definitive Statement for the County of Kent (Map Sheet 128 (TR04NW)) shall be modified as described in Part II of the schedule to the Order.

**GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 11th
DAY OF MAY IN THE YEAR TWO THOUSAND AND SEVENTEEN**

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

J. A. C. S. U.
Authorised Signatory
JASON OFCSU



SCHEDULE

PART 1

DESCRIPTION OF ROUTE TO BE EXTINGUISHED

The entire width of that length of Public Footpath numbered AU1 which commences at its connection with Restricted Byway AU2 at NGR TR0007 4543 (Point A on the Order plan) and runs in a generally north-easterly direction for approximately 268 metres to Sandyhurst Lane at NGR TR0015,4567 (Point B).

PART II

MODIFICATION OF DEFINITIVE STATEMENT

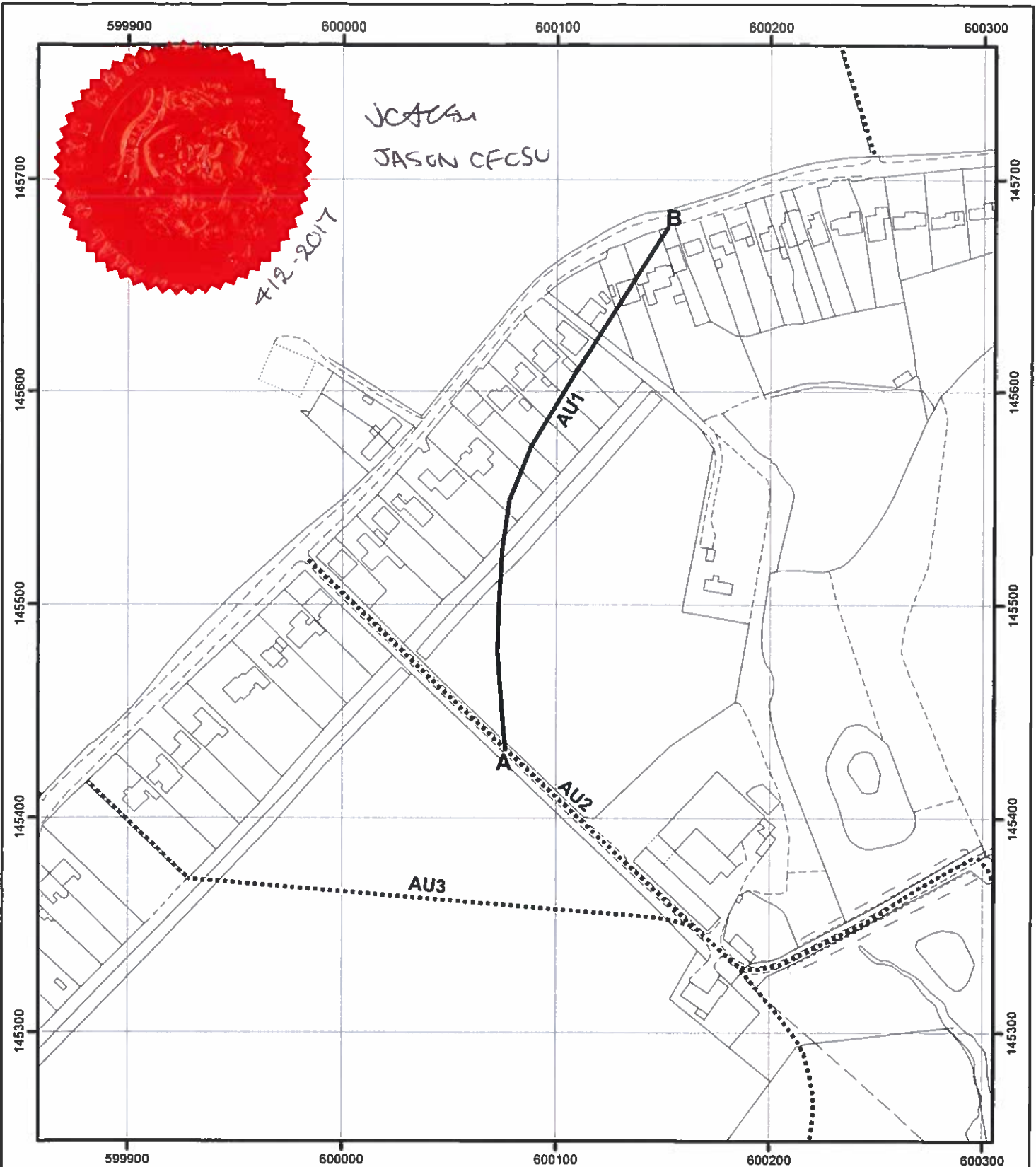
The entry for Public Footpath AU1 is modified by the addition of the following: -

Extinguished by the Kent County Council (Public Footpath AU1, Ashford) Public Path Extinguishment and Definitive Map and Statement Modification Order 2017.

The connections item for Restricted Byway AU2 is amended as follows :-
Delete – AU1.

**HIGHWAYS ACT 1980
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Key	— Route to be extinguished
 Unaffected Routes

Highways Act 1980
The Kent County Council
(Public Footpath AU1, Ashford)
Public Path Extinguishment and Definitive Map and Statement Modification Order 2017

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Reference:	PROW/AU1/1459		

