

IN THE DISTRICT OF FOLKESTONE & HYTHE

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT

**THE KENT COUNTY COUNCIL (FOOTPATH HF69 AT SANDGATE)
DEFINITIVE MAP MODIFICATION ORDER 2019**

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 157 (TR23NW) 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)(b), namely the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway.

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 1st July 2019.
2. Sheet 157 (TR23NW) 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 HF69 at Sandgate) Definitive Map Modification Order 2019*".

**GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 31st DAY OF
JULY IN THE YEAR TWO THOUSAND AND NINETEEN**

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

.....*K. Goldsmith*.....
AUTHORISED SIGNATORY



SCHEDULE

PART I: MODIFICATION OF DEFINITIVE MAP

Description of path to be added

The effect of the Order is to add a length of public footpath which commences on The Undercliff approximately 20 metres north of Sandgate High Street at NGR TR 2040 3522 (point A) and runs generally north north-west for approximately 35 metres to connect with another point on The Undercliff at NGR TR 2039 3525 (point B). The path then recommences approximately 27 metres further west north-west on The Undercliff at NGR TR 2037 3526 (point C) and runs generally north north-west including over a set of 8 steps, for approximately 70 metres to where there is a 10-metre spur on its west side connecting to The Undercliff at NGR TR 2033 3532 (point D). The path then runs generally north for approximately 67 metres to its connection with public footpaths HF8 and HF56 at NGR TR 2032 3538 (point E), and then continues to run generally north for approximately 120 metres to its connection with Military Road at NGR TR 2031 3550 (point F), opposite public footpath numbered HF25. Between the points A-B-C-D-E-F on the Order plan.

The width of the path between points A-E is 2.4 metres, except for a pinch point at the entrance to *Bybrook House*, where it narrows to 2.1 metres. The width of the path between points E-F is 1.5 metres wide.

PART II: MODIFICATION OF DEFINITIVE STATEMENT

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

HF69 – Footpath

Connections – The Undercliff, The Undercliff again, The Undercliff again, The Undercliff again, HF56, HF8, Military Road

Added by *The Kent County Council (Footpath HF69 at Sandgate) Definitive Map Modification Order 2019* with a width of 2.4 metres between the points A-E on the Order plan, except for a pinch point at the entrance to *Bybrook House*, where it narrows to 2.1 metres and a width of 1.5 metres between the points E-F on the Order plan.

The connections item for Public Footpath HF56 is amended as follows:

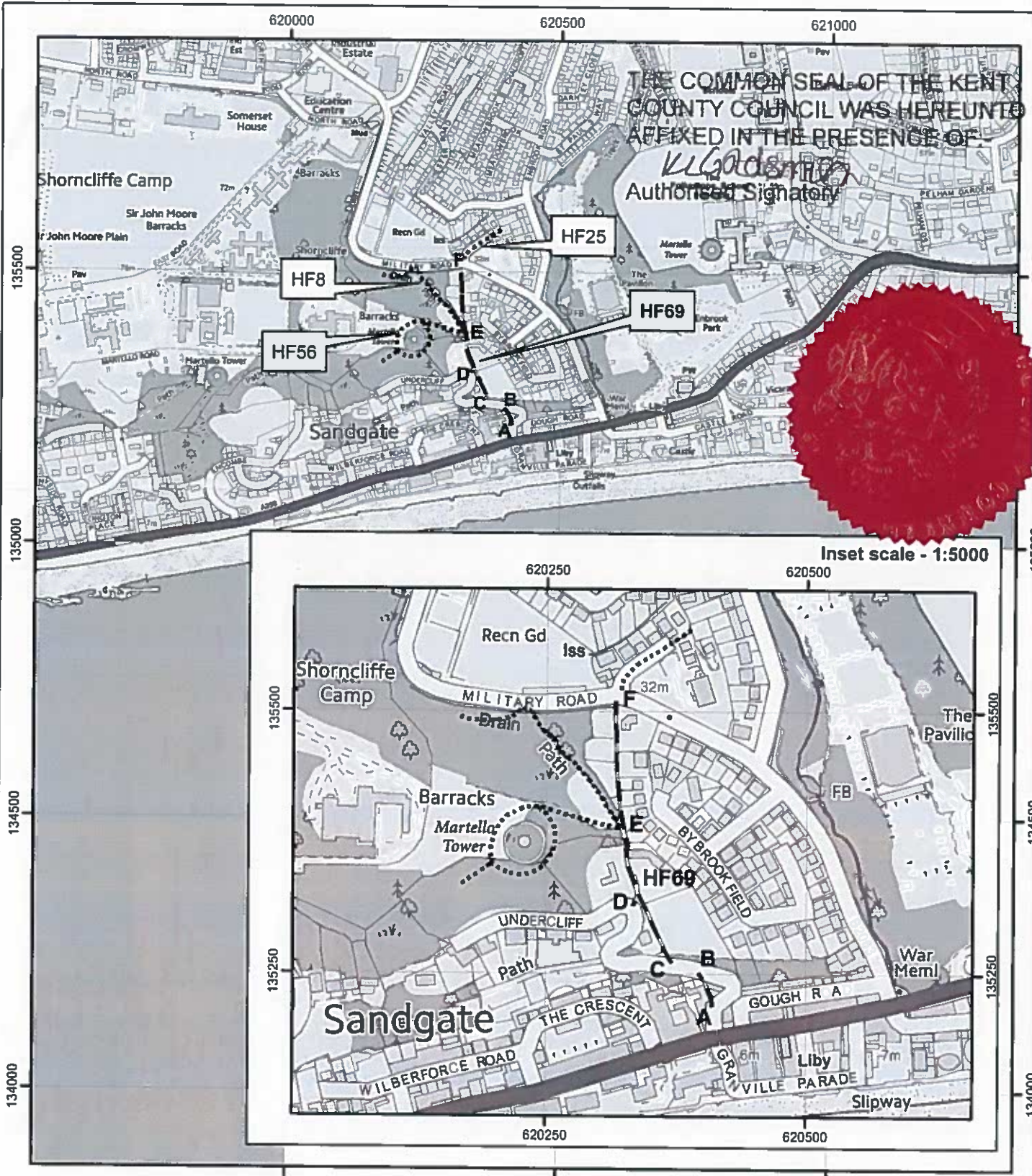
Add - HF69

The connections item for Public Footpath HF8 is amended as follows:

Add - HF69

WILDLIFE AND COUNTRYSIDE ACT 1981

THE KENT COUNTY COUNCIL (FOOTPATH HF69 AT SANDGATE) DEFINITIVE MAP MODIFICATION ORDER 2019



THE COMMON SEAL OF THE KENT COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF
K. Goldsmith
 Authorised Signatory

Inset scale - 1:5000

Key

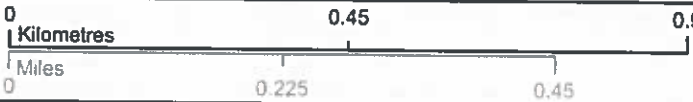
- - - - - Route to be Added
- Unaffected Routes

**Wildlife & Countryside Act 1981
 The Kent County Council
 (Footpath HF69 at Sandgate)
 Definitive Map Modification Order 2019**

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1:10,000



Created by: MMcL Checked by: CW
 Reference: PROW/SH/C370



**TO THE OWNER AND ANY OCCUPIER OF THE LAND DESCRIBED
BELOW:**

IN THE DISTRICT OF FOLKESTONE & HYTHE

NOTICE OF MODIFICATION ORDER

**WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF KENT**

**THE KENT COUNTY COUNCIL (FOOTPATH HF69 AT SANDGATE)
DEFINITIVE MAP MODIFICATION ORDER 2019**

The above Order was made on 31st July 2019 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 length of public footpath which commences on The Undercliff at NGR TR 2040 3522 (point A) and runs north north-west for 35 metres to connect with another point on The Undercliff at NGR TR 2039 3525 (point B). The path then recommences The Undercliff at NGR TR 2037 3526 (point C) and runs north north-west for 70 metres to where there is a 10-metre spur on its west side connecting to The Undercliff at NGR TR 2033 3532 (point D). The path then runs north for 67 metres to its connection with public footpaths HF8 and HF56 at NGR TR 2032 3538 (point E), and then continues to run north for 120 metres to its connection with Military Road at NGR TR 2031 3550 (point F), opposite public footpath numbered HF25. Between the points A-B-C-D-E-F on the Order plan.

The width of the path between points A-E is 2.4 metres, except for a pinch point at the entrance to *Bybrook House*, where it narrows to 2.1 metres. The width of the path between points E-F is 1.5 metres wide.

All distances are approximate, all directions are general.

A copy of the Order and Map may be seen free of charge during normal office hours at the offices of Folkestone & Hythe District Council, The Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY or at the Kent County Council, PROW & Access Service, Invicta House, County Hall, Maidstone, Kent ME14 1XX. Copies of the Order and Map may also be purchased there at the price of £10.

Any representation about or objection to the Order must be sent or delivered in writing to Mrs Maria McLauchlan at the Kent County Council (address as below) no later than 4th October 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 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: 23rd August 2019



***This document is available in alternative formats and can be explained
in a range of languages. This Notice can be removed after 4th October 2019***

STATEMENT TO ACCOMPANY

WILDLIFE AND COUNTRYSIDE ACT 1981 THE KENT COUNTY COUNCIL (FOOTPATH HF69 AT SANDGATE) DEFINITIVE MAP MODIFICATION ORDER 2019

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 route concerned has been used by the public in excess of 20 years and that it has been dedicated as a public right of way by the landowners. 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 413420).

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. They should state the grounds on which they are made and must be received no later than 4th October 2019.

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**