

## **STATEMENT TO ACCOMPANY**

### **THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH ZR281 (PART) DODDINGTON AND MILSTEAD) 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 ZR281 at Doddington and Milstead 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. They wish to divert ZR281 from where it runs between working farm buildings to the edges of the field for reasons of security and public safety. The route closely follows an unofficial route used across the land for a number of years. This diversion would also take the Public Rights of Way out of a private garden belonging to a neighbouring property, moving it into an adjacent field.

Due to an error in the original sealing of the diversion order, this order has been resealed and therefore another consultation is required. The alignment and reason for the diversion have not changed.

The Order will come into force only after the County Council has confirmed the Order and certified that the new route has been brought into a fit condition for public use; 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, Michael Tonkin on 03000 41 03 25

**Objections or representations relating to the Order must be made in writing to Michael Tonkin at the address below or by email to [Michael.tonkin@kent.gov.uk](mailto:Michael.tonkin@kent.gov.uk) no later than 09 February 2024.**

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**