

**IN THE CITY OF CANTERBURY**

**RAIL CROSSING DIVERSION ORDER  
HIGHWAYS ACT 1980, SECTION 119A**

**The Kent County Council (Public Footpath CB92 (part) Westbere)  
Rail Crossing Diversion and Definitive Map and Statement Modification Order 2016**

This Order is made by the Kent County Council ("the authority") under section 119A of the Highways Act 1980 ("the 1980 Act").

The Public Footpath CB92 described in paragraph 1 of this order in the authority's area crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said public footpath that it should be diverted onto land of the same owner.

The Kent County Council has required the operator of the railway to enter into an agreement to defray any compensation which becomes payable in consequence of the coming into force of this order any expenses which are incurred in the erection or maintenance of barriers and signs and in bringing the new site of the public footpath into a fit condition for use by the public.

Canterbury City Council has been consulted as required by section 120(2) of the 1980 Act.

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 155 (TR16SE) 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.

**BY THIS ORDER:**

1. The public right of way over the land situate at Westbere shown by a bold continuous line on the map attached to this order and described in Part 1 of the Schedule hereto shall be extinguished after 28 days from the date of confirmation of this order.
2. There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land situate at Westbere described in Part 2 of the Schedule and shown by a bold broken line on the map attached to this order.
3. The operator of the railway crossed by the footpath described in paragraph 1 shall maintain the footpath created by this order.

GIVEN UNDER THE SEAL OF THE KENT COUNTY COUNCIL THIS 13<sup>th</sup> DAY OF MAY  
IN THE YEAR TWO THOUSAND AND SIXTEEN.

THE COMMON SEAL OF THE KENT COUNTY COUNCIL

was hereto affixed in the presence of:

.....

Authorised Signatory

THIS ORDER WAS CONFIRMED BY THE KENT  
COUNTY COUNCIL ON THIS 20<sup>th</sup> DAY OF  
JUNE IN THE YEAR TWO THOUSAND  
AND SIXTEEN

.....  
AUTHORISED SIGNATORY



613-2016

## **SCHEDULE**

### **PART I**

#### **DESCRIPTION OF SITE OF EXISTING PATH OR WAY**

The full width of that part of public footpath numbered CB92 which commences on Walnut Tree Lane at NGR TR 1964 6101 (point A) and runs generally south over the railway crossing for approximately 16.5 metres to NGR TR 1965 6100 (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 CB92, running over land within the ownership of Network Rail, which commences at the aforementioned point A and runs generally north-east for approximately 263.0 metres to NGR TR 1988 6113 (point C), thence turns to run generally south-south-east over the new railway crossing for approximately 16.0 metres, and thence turns to run generally south-west for approximately 266.0 metres to the aforementioned point B. Between points A-C-D-B on the Order plan.

Heading north-east from point A, the path has an initial width of 1.2 metres, widening to 1.5 metres after 7.0 metres until approximately 60.0 metres before point C where it widens to 1.8 metres. The path narrows to 1.15 metres across the railway lines (points C-D). Heading south-west from point D, the path has an initial width of 1.3 metres widening to 1.5 metres after the gate. For approximately 10.0 metres where it runs alongside the electrical hut the path narrows to 1.2 metres, widening to 1.75 metres after that. For the last 16.0 metres where there are hand rails leading to the gate, the path narrows to 1.3 metres.

### **PART III:**

#### **LIMITATIONS AND CONDITIONS**

None.

### **PART IV:**

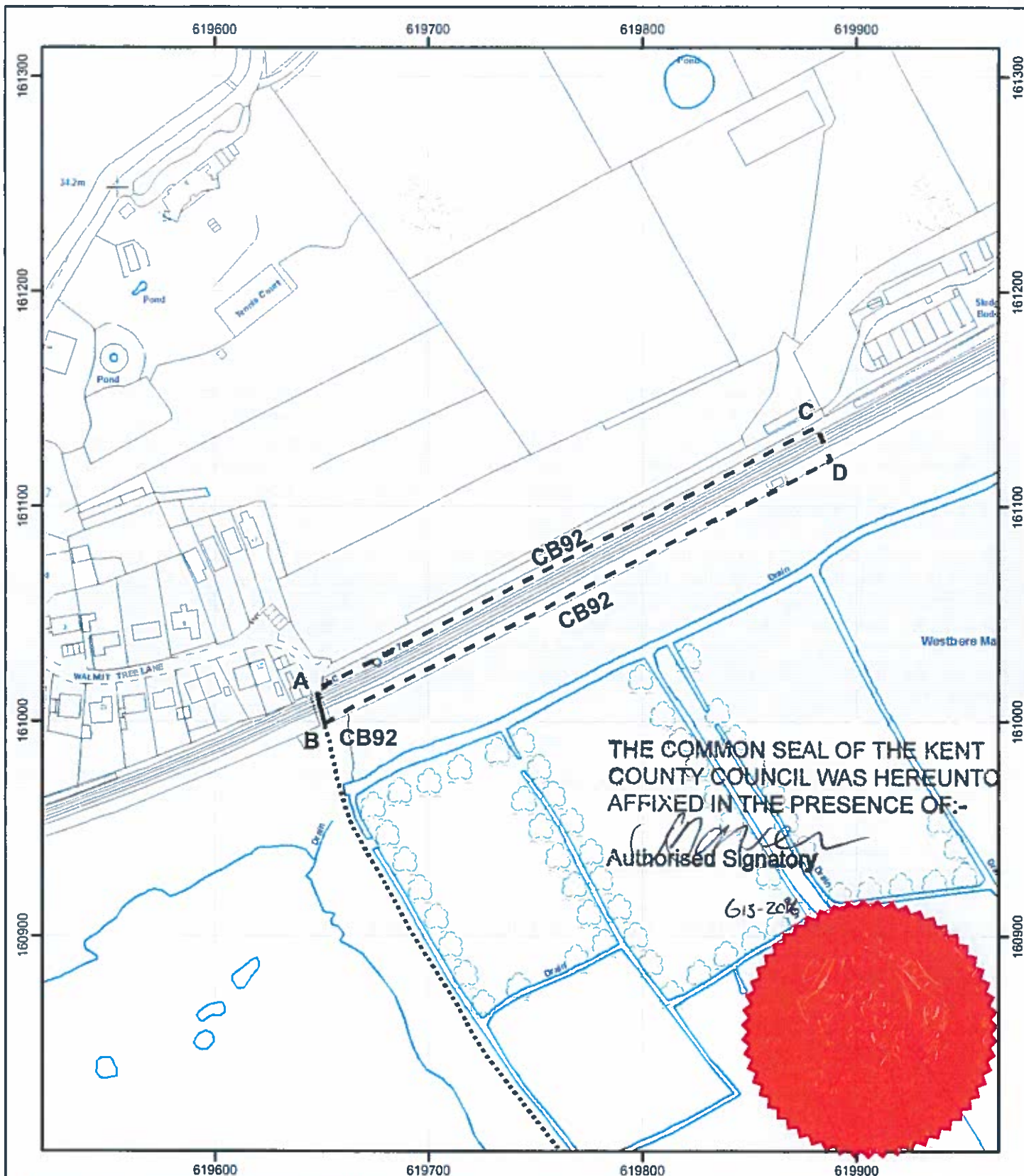
#### **MODIFICATION OF DEFINITIVE STATEMENT**

*The entry for Public Footpath CB92 is modified by the addition of the following:*

Part diverted by *The Kent County Council (Public Footpath CB92 (part) Westbere) Rail Crossing Diversion and Definitive Map and Statement Modification Order 2016*.

Heading north-east from point A, the path has an initial width of 1.2 metres, widening to 1.5 metres after 7.0 metres until approximately 60.0 metres before point C where it widens to 1.8 metres. The path narrows to 1.15 metres across the railway lines (points C-D). Heading south-west from point D, the path has an initial width of 1.3 metres widening to 1.5 metres after the gate. For approximately 10.0 metres where it runs alongside the electrical hut the path narrows to 1.2 metres, widening to 1.75 metres after that. For the last 16.0 metres where there are hand rails leading to the gate, the path narrows to 1.3 metres.

*There are no amendments to the connections item.*



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

Authorised Signatory

613-2016

# Key

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

## Highways Act 1980

The Kent County Council (Public Footpath  
CB92 (part) Westbere)

Rail Crossing Diversion and Definitive Map and  
Statement Modification Order 2016

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Created by: MMCL Checked by: CW

Reference: PROW/CB92/6/NR

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**IN THE CITY OF CANTERBURY**  
**NOTICE OF CONFIRMATION OF RAIL CROSSING DIVERSION ORDER**  
**HIGHWAYS ACT 1980**  
**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE KENT COUNTY COUNCIL (PUBLIC FOOTPATH CB92 (PART) WESTBERE)**  
**RAIL CROSSING DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION**  
**ORDER 2016**

On 20<sup>th</sup> June 2016 the Kent County Council confirmed the above Order under Section 119A of the Highways Act 1980.

The effect of that Order as confirmed is to divert the full width of that part of public footpath numbered CB92 which commences on Walnut Tree Lane at NGR TR 1964 6101 (point A) and runs south over the railway crossing for 16.5 metres to NGR TR 1965 6100 (point B). Between the points A-B on the Order plan. It will add a new length of public footpath numbered CB92 which commences at the aforementioned point A and runs north-east for 263.0 metres to NGR TR 1988 6113 (point C), thence turns to run south-south-east over the new railway crossing for 16.0 metres, and thence turns to run south-west for 266.0 metres to the aforementioned point B. Between points A-C-D-B on the Order plan.

Heading north-east from point A, the path has an initial width of 1.2 metres, widening to 1.5 metres after 7.0 metres until approximately 60.0 metres before point C where it widens to 1.8 metres. The path narrows to 1.15 metres across the railway lines (points C-D). Heading south-west from point D, the path has an initial width of 1.3 metres widening to 1.5 metres after the gate. For approximately 10.0 metres where it runs alongside the electrical hut the path narrows to 1.2 metres, widening to 1.75 metres after that. For the last 16.0 metres where there are hand rails leading to the gate, the path narrows to 1.3 metres.

All directions general, all distances approximate.

A copy of the Order as confirmed and the Order Map have been placed and may be seen free of charge at the Offices of Canterbury City Council, Military Road, Canterbury, Kent, CT1 1YW or at the Kent County Council, PROW & Access Service, Invicta House, Maidstone, Kent, ME14 1XX. Copies of the Order and Map may be purchased there at the price of £5.

The Order comes into force on 29<sup>th</sup> July 2016, but if a person aggrieved by the Order wants to question its validity, or that of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980, as amended, or on the ground that any requirement of the Act, as amended, or of any regulation made under the Act which has not been complied with in relation to the Order, he or she may under Paragraph 2 of Schedule 2 to the Act as applied by Paragraph 5 of Schedule 6 to the Act, within 6 weeks from the 1<sup>st</sup> July 2016, make an application to the High Court.

**PROW & Access Service**  
**Invicta House**  
**Maidstone**  
**Kent**  
**ME14 1XX**

**Tel: 03000 413420      Dated: 1<sup>st</sup> July 2016**



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