

REGULATION COMMITTEE

Tuesday, 2nd September, 2014

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

REGULATION COMMITTEE

Tuesday, 2nd September, 2014, at 10.00 am Ask for: **Andrew Tait**
Council Chamber, Sessions House, County Telephone: **01622 694342**
Hall, Maidstone

Tea/Coffee will be available 15 minutes before the start of the meeting.

Membership (17)

- Conservative (9): Mr M J Harrison (Chairman), Mr S C Manion (Vice-Chairman),
Mr A H T Bowles, Mrs V J Dagger, Mr J A Davies, Mr T Gates,
Mr J M Ozog, Mr C Simkins and Mr J N Wedgbury
- UKIP (3) Mr M Baldock, Mr H Birkby and Mr A D Crowther
- Labour (4) Mr C W Caller, Mr G Cowan, Mr T A Maddison and
Mrs E D Rowbotham
- Independents (1): Mr P M Harman

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes (Pages 5 - 24)
 - (a) Committee: 13 May 2014
 - (b) Member Panel: 3 June 2014 (Westgate)
3 June 2014 (Marden)
29 July 2014
4. Dates of meetings in 2015
Tuesday, 27 January 2015
Tuesday, 12 May 2015
Tuesday, 1 September 2015
5. Update from the Definitive Map Team (Pages 25 - 58)

6. Update from the Commons Registration Team (Pages 59 - 62)
7. Update on Planning Enforcement Issues (Pages 63 - 80)
8. Home to School Transport Appeals Update (Pages 81 - 82)
9. Other Items which the Chairman decides are Urgent
10. Motion to exclude the public

That under Section 100A of the Local Government Act 1972 the public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act.

EXEMPT ITEMS

(During these items the meeting is likely NOT to be open to the public)

11. Update on Planning Enforcement issues at Larkey Wood Farm, Chartham (Pages 83 - 88)

Peter Sass
Head of Democratic Services
(01622) 694002

Friday, 22 August 2014

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 13 May 2014.

PRESENT: Mr M J Harrison (Chairman) Mr S C Manion (Vice-Chairman)
Mr M Baldock, Mr H Birkby, Mr A H T Bowles, Mr C W Caller, Mr G Cowan,
Mr A D Crowther, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr P M Harman,
Mr T A Maddison, Mr J M Ozog, Mrs E D Rowbotham and Mr C Simkins

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group),
Mr R Gregory (Principal Planning Officer - Enforcement), Mr S Bagshaw (Head of
Fair Access), Mr A Ballard (Senior Democratic Services Officer), Mr C Wade
(Countryside Access Principal Case Officer) and Mr A Tait (Democratic Services
Officer)

UNRESTRICTED ITEMS

11. Membership

The Committee noted the appointment of Mr C Simkins in place of Mr P J Homewood.

12. Minutes (Item 3)

RESOLVED that:-

- (a) the Minutes of the Committee meeting held on held on 26 January 2014 and of the Member Panel meetings held on 18 March 2014 and 8 April 2014 are correctly recorded and that they be signed by the Chairman; and
- (b) the Minutes of the Mental Health Guardianship Sub-Committee be noted.

13. Home to Schools Transport Appeals Update (Item 4)

(1) The Head of Admissions and Transport and the Senior Democratic Services Officer gave an overview of Home to School Transport appeal statistics for the period between 1 January 2014 and 30 April 2014.

(2) During discussion of this item, the Committee requested a half day “teach-in” on Home to School Transport issues.

(3) RESOLVED that the report be noted.

14. Update from the Commons Registration Team

(Item 5)

- (1) Mrs E D Rowbotham informed the Committee that, in her capacity as Local Member, she had given technical advice to the applicants for the Land at Coldblow Woods in Ripple. As this did not constitute an Other Significant Interest, she was able to participate in the discussion of this item.
- (2) The Principal Legal Orders Officer gave an update on the current position in respect of applications to register Town and Village Greens.
- (3) The Principal Legal Orders Officer undertook to ensure that Local Members were always informed whenever a "Landowner Statement" was made.
- (4) RESOLVED that the contents of the report be noted.

15. Update on Planning Enforcement Issues

(Item 6)

- (1) The Committee discussed a report by the Head of Planning Applications Group which gave an update on planning enforcement and monitoring work since the January meeting of the Committee.
- (2) In the light of information provided by Mr Cowan, the Principal Planning Officer undertook to further investigate compliance and planning control issues at Astley Avenue in Dover. The Committee agreed that this case would not be removed from the Schedules prior to a report back at its next meeting.
- (3) The Principal Planning Officer reported correspondence from Mrs J Whittle in respect of the four cases in her constituency. She had expressed her appreciation and thanks to the officers involved for the clear advice in relation to each of the sites.
- (4) Mr M Baldock, the Local Member offered to assist officers by making himself available to attend the next meeting at the Woodgers Wharf, Upchurch site.
- (5) The Committee agreed that monitoring of the Rochester Way site in Dartford should continue.
- (6) The Committee agreed that the Head of the Gypsy and Traveller Unit would be requested to attend its next meeting.
- (7) RESOLVED that:-
 - (a) with the exception of Larkey Wood Farm, Chartham site and subject to (2) and (5) above, endorsement be given to the actions taken or contemplated in the respective cases set out in paragraphs 5 to 20 of the report and those contained within Schedules 1, 2 and 3 as appended to the report; and
 - (b) the Head of the Gypsy and Traveller Unit be requested to attend the next meeting of the Committee.

16. Planning Enforcement issues at Larkey Wood Farm, Chartham
(Item 8)

(1) The Chairman declared this item to be Urgent because there had been material changes at the site since the agenda papers were published. The Committee's support was now being requested in order to ensure that new contraventions did not occur.

EXEMPT ITEMS
(Open Access to Minutes)

(Members resolved under Section 100A of the Local government Act 1972 that the public be excluded from the meeting for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act.)

(2) The Principal Planning Officer reported on the material changes at the site since the original agenda papers had been published. He sought endorsement for a package of possible measures including the ability to prosecute or injunct any party contravening the Enforcement Notice on any part of the site. This was agreed.

(3) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 5 to 18 of the report including the ability for the Head of Planning Applications Group to prosecute or injunct any party contravening the Enforcement Notice on any part of the site.

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KENT COUNTY COUNCIL

REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the The Swan Public House, 75 Sea Road, Westgate-on-Sea CT8 8QG on Tuesday, 3 June 2014.

PRESENT: Mr M J Harrison (Chairman), Mr S C Manion (Vice-Chairman), Mr A D Crowther, Mr T A Maddison and Mr J N Wedgbury

ALSO PRESENT: Mr H Birkby

IN ATTENDANCE: Ms M McNeir (Public Rights Of Way and Commons Registration Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

7. Application to register land at Ursuline Drive at Westgate-on-Sea as a new Village Green
(Item 3)

(1) The Panel Members visited the site before the meeting. This visit was attended by Mr G Rickett (applicant), Mr P Luxmore (Executive Headteacher, King Ethelbert School) and Mr R Safferey (Business Manager, King Ethelbert School).

(2) The Commons Registration Officer introduced the application which had been made under Section 15 of the Commons Act 2006 by Mr G Rickett. An objection to the application had been received from King Ethelbert School. The application had been considered at a meeting of the Panel on 26 February 2013 where it had been agreed to refer the matter to a non-statutory Public Inquiry. The minutes from that meeting were contained in the report (Appendix B).

(3) The Commons Registration Officer informed the Panel that the Public Inquiry had been held over five days in November 2013 and that the Inspector's report had been received on 25 March 2014. The Commons Registration Officer then moved on to outline the Inspector's findings and conclusions in respect of the five legal tests which needed to be passed for registration to take place.

(4) The first test had been whether use of the land had been "as of right." The Inspector had concluded that use had neither been on a permissive nor a secretive basis. Although the objectors had contended that some members of staff might have verbally challenged some users, they had been unable to point to any named individuals who had been asked to leave the site. There had therefore been insufficient evidence to demonstrate that use of the land had been contentious. As a consequence, the Inspector had found that use of the land had been "as of right."

(5) The second test was whether use of the land had been for the purposes of lawful sports and pastimes. The Inspector had heard evidence from the applicant's witnesses of a range of activities taking place on site, including walking, running, photography, playing with children, blackberrying and nature observation. The

objector had claimed that such informal use had been concentrated around the perimeter and was therefore more consistent with a “public rights of way” type of use. The Inspector had found that use had taken place on the whole of the site and that it would not have appeared to a reasonable landowner to have been limited to any particular path or route. Consequently, she had concluded that use of the whole site had been of a sufficient nature and intensity to give rise to Village Green rights.

(6) The third test was whether use had been by a significant number of inhabitants of a particular locality, or a neighbourhood within a locality. The applicant had identified “the Linksfield Estate within the locality of the ecclesiastical parish of St Saviour’s, Westgate-on-Sea. The Inspector had considered whether the fact that the identified neighbourhood’s name was not used by local residents within the area. She had found that this did not bar registration of the land as a Village Green as the neighbourhood relied upon by the applicant had natural and built boundaries, facilities, socio-economic and architectural character to constitute a qualifying neighbourhood. She had quoted the judgement of Lord Hoffman in the *Oxfordshire* case in support of her findings by referring to his statement that the word “neighbourhood” had been drafted in the legislation to be deliberately imprecise and avoid technicalities, particularly in respect of an urban area.

(7) The Inspector had also been satisfied that the applicant had been able to demonstrate significant use of the site by people from the identified neighbourhood. She had noted the objector’s view that there had been less evidence of such use at the beginning of the period in question, but had considered that this was to be expected and did not materially alter her opinion that there had been sufficient use by the local residents to demonstrate that the land had been in general use by the community rather than occasional use by individual trespassers. Use had also been by people from entire neighbourhood rather than just by those whose houses immediately adjoined the site. The Inspector had therefore concluded that the test had been met.

(8) The Inspector had found that use of the land as of right had continued up to the date of the application. She had concluded that this particular test had been met and that no evidence to the contrary had been presented to her.

(9) The final test was whether use had taken place over a period of twenty years or more during the material period of 1991 to 2011. The Inspector had considered representation by the objector that there had been times when recreational users would have been excluded as a result of school activities. The Inspector had referred to the judgement in the *Betterment* case which had required exclusion to have been complete, either through the erection of barriers or by someone physically preventing entry onto the land. As this had not happened, the Inspector had found that there had been no general “physical ouster of the public” during the twenty year period and that the test had been met.

(10) As a result of her findings, the Inspector had recommended that the application site should be registered as a new Village Green because all of the tests had been met.

(11) The Commons Registration Officer said that on receipt of the Inspector’s report, she had forwarded its contents to the applicant and the objector. The applicant had not submitted any further comments. The objector had raised a number

of concerns. The entire response was contained at Appendix C to the report. In summary, the concerns were that the land would cease to be usable for school activities on safety grounds; that the Inspector had adopted an unfair and unreasonable approach; that activity had been confined to walking around the perimeter of the site; that the Inspector had been unjustified in concluding that "Linksfield Estate" was a neighbourhood; that there should be a spread of users across the claimed neighbourhood; and the Inspector had not been even-handed in her approach, leading her to reach an unreasonable conclusion.

(12) The Commons Registration Officer said that she had considered the points raised by the objector. She had asked the Inspector whether she wished to change any of her conclusions in the light of the objector's response. The Inspector had responded that she had no reason to do so. The Commons Registration Officer had noted the School's concerns over the ability of school pupils to continue to use the land in question. She said that this was not a factor that the Panel was entitled to take into consideration.

(13) The Commons Registration Officer said that there was no cause to consider that the Inspector might have been biased. She was an independent person with no personal interest in the outcome, whose expertise had been used by KCC to consider the various tests. She had given careful consideration to all representations made including whether use of the land had been "public rights of way type use." Her conclusions on this matter had been evidence-based. She added that, despite the objector's view to the contrary, there was no need in Law for an even spread of users within a neighbourhood. Nevertheless, the Inspector had concluded that use had been by people from the neighbourhood in general (as opposed to those within the immediate vicinity of the application site).

(14) The Commons Registration Officer concluded her presentation by saying recommending that registration should take place on the grounds set out in the Inspector's report.

(15) The Panel noted a letter from Roger Gale, MP which expressed support for the Inspector's views.

(16) Mr G Rickett (applicant) provided the Panel with a transcript of his presentation. He said that the field had been part of the Westgate Tennis Club in the 1930s up to the War and had been owned by Ivor Reid. It had been compulsorily purchased during the War by the MoD and used for stationing troops. It had been acquired by KCC after the War and had then been transferred to King Ethelbert School in 2010 when it became an academy. Local people had enjoyed use of the field ever since for leisure and sport for several decades. Such use had never been challenged by KCC or by the school

(17) Mr Rickett continued by saying that the purpose of applying for registration of the field had been to retain it as an open space for recreational use by all sections of the local community. The Inspector had carefully examined evidence by local residents as well as staff of the school. She had concluded that the tests had been met in full.

(18) Mr Rickett then said that the land had been used for walking, nature studies, photography, children's play, football, kite flying, family activities, picnics and dog

walking. It also contained a wealth of wildlife, including rare species of butterfly. These were closely monitored by the Butterfly Conservation Group. The area had therefore become a popular place for local residents to bring their children and grandchildren for nature study.

(19) Mr Rickett said he was sorry that the Headteacher had opposed registration and that he believed that school children could no longer use the field. Evidence given by the school's staff during the Inquiry had confirmed that organised sports had not actually taken place there for a great many years and that the school only very occasionally made any use of it at all. He felt that the school children were making far more use of the land out of school hours, since it had stopped being used formally.

(20) Mr Rickett said that he could see no legal or practical reason why the school could not use the land for its activities if it wished to do so as it would simply require parental permission which the school could hold on its files. This was what was happening at the nearby Chartfield Primary School.

(21) Mr Rickett then said that the Panel had the opportunity to do something special in a forgotten part of Westgate-on-Sea. The area would be available for children's recreation for years to come. He hoped that the school would accept the challenge of working with the local community to make it a well used Village Green. This had always been the intention of local residents, as could be seen from the beginning of the application process in 2011.

(22) Mr Rickett concluded his presentation by listing the supporters of the application. These were local Westgate-on-Sea residents, the Residents Association, local health walkers, a local GP, The Open Spaces Society, the Butterfly Conservation Group, Kent Wildlife, Monkton Nature Reserve, Thanet DC, the two local District Councillors, the local MP, the 71 local residents who had filed detailed evidence of their use of the field, and the 32 residents who had given evidence to the Inquiry (including 17 who had given oral evidence).

(23) Mr Tom King (Thanet District Councillor) congratulated Mr Rickett for the work he had undertaken to bring forward the application. He fully endorsed the efforts made by the local people to support the application and was in complete agreement with the Inspector's conclusions. He added that he did not believe that the pupils at King Ethelbert School would be precluded from using the land as it would be free for all to enjoy.

(24) Mrs E Sherratt (Kent Law Clinic) spoke on behalf of the applicants. She provided a detailed document which she summarised rather than reading the full text. She said that the Inspector had carefully considered the apparently irreconcilable views put forward by both parties. She had been very careful to explain the reasons why some of the evidence presented on behalf of the objectors was unreliable. For example, she had fully accepted the integrity of the evidence provided by the Headteacher, Mr Luxmore but had concluded that he had limited personal knowledge of the events. As a result of her meticulous work, the Inspector's conclusions were safe and unchallengeable.

(25) Mrs Sherratt then said that the Inspector had not misdirected herself in Law in terms of her evaluation of the evidence which had led her to conclude that lawful

sports and pastimes had taken place on the entire area of the land rather than simply taking place on established tracks on the perimeter of the site.

(26) Mrs Sherratt turned to the question of whether “Linksfield Estate” constituted a neighbourhood. She said that the Inspector had correctly concluded that it had grown up separately from the rest of the town both in terms of its housing and of physical separation. Her objective analysis of the evidence had brought her to the rational conclusion that it was a neighbourhood in terms of its geography, history, socio-economy and physicality. A sufficient number of witnesses had also agreed that it was a neighbourhood.

(27) Mrs Sherratt concluded her remarks by saying that the objectors had claimed that the application should fail because there had not been an even spread of users across the neighbourhood. There was, however, no legal requirement for this to be the case. It would, in her opinion, be perverse if the Panel were to overturn the Inspector’s conclusions on these grounds or on any other.

(28) Ms Colette McCormack (Winckworth Sherwood) spoke on behalf of King Ethelbert School. She said that she had concerns about the way in which the Inspector had applied the Law. This was particularly the case in respect of the “neighbourhood” findings where she had given undue weight to the applicant’s claims despite the inconsistencies in the statements given by witnesses. She asked the Panel to bear in mind that each individual test had to be passed in full before registration could take place. If the Panel were to register on the basis of the less than conclusive evidence that there was a definable neighbourhood (and despite the lack of an even spread of residents throughout it), there would be grounds for a judicial review, which would stand every chance of succeeding.

(29) Ms McCormack then said that the School was committed to providing a service to the young people and the community as a whole. She wished to underline that there were no plans for development on the land in question. However, if the application were to succeed, the School would be in the position of being responsible for the maintenance of the field but would not be able to make any use of it due to child protection issues. The School was willing to work with the community and was not averse to allowing the community to use the land by a permissive right.

(30) Mr Paul Luxmore (Executive Headteacher, King Ethelbert School) said that the School catered for 800 pupils and had always used the land and now owned it as a result of becoming an Academy. The School had spent a great deal of money defending the application as it had a public duty to do so.

(31) Mr Luxmore then said that he did not believe that the Inspector’s report and conclusions were compliant with the Law. The Inspector’s approach had been skewed in favour of the applicants throughout, to the point where she had even said that she would help the applicants make their case.

(32) The Commons Registration Officer explained that the Inspector had provided copies of relevant guidance and case law to both parties. Her main concern had been to ensure that all concerned were clear about what needed to be proven. If she had given more procedural and legal advice to the applicants than to the objectors it was because the objectors had been legally represented, whereas the applicants had not been. This should not be construed as bias on her part.

(33) Mr Luxmore then said that the entire process had been skewed from the start. He asked why the meeting place for the site visit had been Ursuline Drive and why the Panel meeting was taking place in a venue used by the applicants.

(34) Mr Luxmore said that if the land were to be registered as a Village Green, it would prevent its further use for school activities due to the child protection issues involved. He asked the Panel to apply common sense when exercising its judgement. It was patently obvious that use by the public had only taken place on the perimeter. Therefore the status quo should continue. He could see no reason why the application should succeed.

(36) During discussion of the application, Mr Maddison said that he understood the views of the Headteacher but felt that the difficulties he had put forward could be overcome. He considered that the evidence demonstrated that all the criteria for registration had been met.

(37) Mr Wedgbury said that he agreed that the criteria had been met and that he hoped that the School would take the opportunity to build stronger links with the community.

(38) Mr Manion said that, although he applauded the School for its attempts to protect the public purse. Nevertheless, the legal tests for registration had all been met.

(39) The Chairman said that he was disappointed to hear that the School had not softened its approach and that it had suggested that it might seek a judicial review. The process had been very fair and thorough and the conclusions of the Inspector had been robust.

(40) On being put to the vote, the recommendations of the Head of Regulatory Services were agreed with no opposition.

(41) RESOLVED that for the reasons set out in the Inspector's report dated 25 March 2014, the applicant be informed that the application to register land at Ursuline Drive at Westgate-on-sea has been accepted, and that the land shown at Appendix A of the report be registered as a Village Green.

KENT COUNTY COUNCIL

REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Marden Cricket and Hockey Club, Albion Road, Marden TN12 9EF on Tuesday, 3 June 2014.

PRESENT: Mr M J Harrison (Chairman), Mr S C Manion (Vice-Chairman), Mr A D Crowther, Mr T A Maddison and Mr J N Wedgbury

ALSO PRESENT: Mr H Birkby and Mrs P A V Stockell

IN ATTENDANCE: Ms M McNeir (Public Rights Of Way and Commons Registration Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

8. Application to register land known as the Cricket Ground at Marden as a new Village Green
(Item 3)

(1) The Panel visited the site of the application shortly before the meeting. The visit was attended by Mr Trevor Simmons (Applicant), Mr Steven Wickham (Marden Hockey and Cricket Club) and Mrs P A V Stockell (Local Member).

(2) The Commons Registration Officer introduced the application which had been made by Mr Trevor Simmons in 2011 under section 15 of the Commons Act 2006. The land in question was owned by Mr Roger Day who had leased it to the Marden Hockey and Cricket Club. Both Mr Day and the Club had objected to the application. The application had been considered by a Regulation Committee Member Panel in March 2013 where the decision had been taken to refer the decision to a non-statutory Public Inquiry. This had taken place in November 2013.

(3) The Commons Registration Officer moved on to summarise the Inspector's findings in respect of the five criteria that needed to be satisfied if registration were to take place. The first of these was whether use of the land had been "as of right." The Inspector had found that use had not taken place in a secretive manner. She had also been satisfied that use had not been by force. She had then considered whether use had been with permission. In her judgement, the significant point had been that the Club had exercised control over the use of the land in order to avoid damage and maintain the facilities in a good condition. The public had been welcome to watch local sports taking place, but had been excluded from the area of play whilst matches were taking place. Even though the Club had not specifically expressed an invitation to attend, it had communicated this invitation by its actions. The Inspector had therefore concluded that use of the application site had been by virtue of an implied permission and that use had been "by right" and not "as of right."

(4) The second test was whether use of the land had been for the purposes of lawful sports and pastimes. All parties had agreed that this test had been met, and the Inspector had been satisfied that this had been the case.

(5) The third test was whether use had been by a significant number of inhabitants of a particular locality or a neighbourhood within a locality. There had been no dispute that the village of Marden constituted a qualifying neighbourhood within the locality of the parish of Marden. The Inspector had been satisfied that a significant number of local people from the locality had used the site for informal recreation. However, in the light of her findings that such use had not been “as of right”, she had concluded that there had been insufficient qualifying use for this test to be passed.

(6) The Commons Registration Officer briefly summarised the Inspector’s findings in respect of the final two tests. She had accepted that because informal use had not ceased prior to the application being made, this test had been passed. Equally, such use had taken place over the entire qualifying period between 1991 and 2011.

(7) The Inspector’s overall conclusion had been that the applicants had failed to demonstrate that the vast majority of the use of the site had been “as of right” Furthermore, any residual “as of right” use had been too trivial or sporadic to carry the outward appearance of the assertion of a public right. She had, accordingly, recommended that the County Council should reject the application.

(8) The Commons Registration Officer said that the Inspector’s report had been sent to both parties for comment. The objectors had not responded. The applicants had replied in detail as set out in paragraph 49 and Appendix C of the report. She did not go into detail of the applicant’s views except in respect of the installation of the dog litter bin on the land by Maidstone BC. She said that this had been done without the landowner’s consent and had been removed.

(9) The Commons Registration Officer concluded her presentation by saying that, having considered the applicant’s comments, she had formed the conclusion that the Inspector had been right to say that the Club had not been inactive and that its actions had been sufficient to communicate an implied permission. Consequently, she recommended to the Panel that registration should not take place.

(10) Mr Trevor Simmons (applicant) said that the Regulation Committee Member Panel at its meeting on 5 March 2013 had considered that two of the five tests had been met. This Panel had referred the matter to a non-statutory Public Inquiry as it had considered the other three to be not proven. The Inquiry had heard more detailed evidence on these three tests.

(11) Mr Simmons then said that he could not understand how the Inspector had reached her conclusions. Mrs Holland and Mrs Lerwill had both stated that they did not believe that their use of the land had anything to do with a general understanding communicated by the landowner. He too had never been aware of this.

(12) Mr Simmons continued by referring to the letter from Freddie Jackson of *Cripps Harries Hall* dated 6 May 2014 (Appendix C). He said that this letter drew attention to the fact that express permission had only been given by the landowner in respect of the use of the bonfire and the clubhouse. This letter also made the point that the existence of the dog litter bin between the late 1990s and 2012 indicated that there had been a general acceptance of dog walkers on the land. This bin had only been removed after submission of the application and the groundsman who had

given evidence on behalf of the landowner to the effect that it had only been there for the benefit of Club members had been described as “unreliable” by the Inspector.

(13) Mr Simmons then said that most of the Hockey and Cricket Club members were from outside Marden whilst those in favour were from the village and were all unaware of any form of permission having been given to them to use the land.

(14) Mr Simmons concluded his presentation by saying that although he personally believed that all doubts over the appropriateness of registration had been satisfied, the Panel might consider partial registration of the most frequently used part of the site to the rear of the tennis courts and on the west side. He called on the Panel to reject the Inspector’s advice. This would prevent 125 years of history being lost whilst ensuring that the countryside remained protected.

(15) The Commons Registration Officer confirmed that it would be open to the Panel to register part of the land as a Village Green. The Inspector had considered this possibility but had recommended that no part of the application site was capable of being registered.

(16) Mrs Annabelle Blackmore (Local Borough Councillor) said that she had attended the Public Inquiry for two days. She had been struck by the number of local people who had given evidence in support of the application. This was indicative of the great level of local interest in the application, as was the large turnout from local people for this Panel meeting. Even more people would have been present if the meeting were not taking place at a time when parents were picking children up from school.

(17) Mrs Blackmore continued by saying that the site was well maintained and that local people respected it. This was evidenced by the lack of litter. The site had been well used. Some local residents could point to 50 years of use on their part.

(18) Mrs Blackmore concluded her remarks by saying that Mr Simmons could have been advised to put forward a second application, calling for partial registration. The most important thing was that something was done to stop the planning application on the land from being successful. A petition containing 300 signatures against the planning application had recently been compiled. She noted that all those people who supported the application had their addresses identified in the Inspector’s report, whilst those who were opposed did not. Had the Inspector published all the addresses, it would have been apparent to all that the only opposition to the application came from people outside Marden.

(19) The Chairman advised that the Panel was only able to consider whether the legal tests for registration had been met. The merits of any planning applications could not be considered in any way.

(20) The Commons Registration Officer explained that the reason that the applicants’ witnesses had their home addresses included in the Inspector’s report was that it needed to be established whether they were residents of the relevant neighbourhood within the locality. This detail was irrelevant for objectors.

(21) Mr David McFarland (Marden History Group and Heritage Centre) said that his organisation sought to preserve, research, inspire interest and transmit the history of

the parish of Marden. The main accent on this occasion was that of preserving a part of the Village's history which was under threat. It was therefore with great sadness that he had read the Inspector's report.

(22) Mr McFarland said that the local people were impressed by and appreciated the hard work of the Officers and the Inspector at the Public Inquiry. It was, however, not always possible to understand the arguments that had led to the Inspector's conclusions.

(23) Mr McFarland then said that he believed that, for the application to fail, the Inspector would have needed to demonstrate that those people who had used the land "by right" actually outnumbered those who had done so "as of right." He was also concerned that no significance had been attached to the dog litter bin. He asked the Panel to carefully consider this particular point as set out in Mr Jackson's letter (Appendix C).

(24) Mr McFarland also asked the Panel to bear in mind that the Public Inquiry had been held in the Club Pavilion and that this could have had a psychologically adverse impact on those supporting the application – particularly in the light of the intimidation of female witnesses by the landowner's Counsel. He noted that the Panel meeting was also taking place in the same venue.

(25) The Chairman explained that the reason for holding the Panel meeting in Marden was to enable as many local people as possible to attend. The alternative would have been to hold it at County Hall in Maidstone, which would have involved travel as well as the difficulties of finding a suitable parking space.

(26) Mr Steven Wickham (Marden Hockey and Cricket Club) said that the Inspector had investigated the application in great detail. A lot of evidence had been given and there had been much questioning by Barristers. After three months of consideration, the Inspector had produced a very thorough report of 65 pages. He believed that the Panel should accept her recommendations.

(27) The Commons Registration Officer replied to Members' questions by saying that if registration were to take place, it would mean that any local person could use any part of the land for lawful sports and pastimes at any time. She also said that if registration of part of the site were to take place, it would involve setting precise boundaries. She re-iterated that the Inspector had considered whether parts of the land were capable of registration but had concluded that they were not.

(28) Mrs P A V Stockell (Local Member) said that she had supported reference to a Public Inquiry at the previous meeting of the Panel in March 2013. She had agreed that a Public Inquiry would enable the applicants to demonstrate that the application met all the tests. She now believed that the applicants had demonstrated this, even though the Inspector's report had come to a different conclusion.

(29) Mrs Stockell went on to say that, whilst the Inspector could make recommendations, it was a matter for the Panel to decide whether to accept her advice. In her view, the evidence provided to the Inspector had demonstrated that a significant number of the inhabitants of the village of Marden within Marden Parish had indulged as of right in lawful sports and pastimes for a period of more than 20 years.

(30) Mrs Stockell then said that the Hockey and Cricket Club intended to move on. When it did so, the land was in danger of being lost to the people of Marden. If Village Green status were granted, it would enable the local people to enjoy it in perpetuity. This was a piece of England that needed to be preserved.

(31) Mr S C Mannion moved, seconded by Mr J M Wedgbury that the recommendations of the Head of Regulatory Services be agreed.

Carried with no opposition

(32) RESOLVED that for the reasons set out in the Inspector's report dated 28 March 2014, the applicant be informed that the application to register land known as the Cricket Field at Marden has not been accepted.

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KENT COUNTY COUNCIL

REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 29 July 2014.

PRESENT: Mr M J Harrison (Chairman), Mr S C Manion (Vice-Chairman), Mr A D Crowther, Mrs V J Dagger and Mr T A Maddison

ALSO PRESENT: Mr G K Gibbens

IN ATTENDANCE: Ms D Fitch (Democratic Services Manager (Council)) and Ms M McNeir (Public Rights Of Way and Commons Registration Officer)

UNRESTRICTED ITEMS

9. Application to register land known as Kingsmead Field in Canterbury as a new Village Green
(Item 3)

(1) The Commons Registration Officer reminded the Panel that this application had been considered at their meeting on 13 November 2013 and a copy of the report and minutes of that meeting were attached as appendices to the report. At that meeting the Panel had decided to defer consideration of the application pending the judgement of the Supreme Court in the case of R (Barkas) v North Yorkshire County Council (“the Barkas case”).

(2) The Commons Registration Officer explained that the application had been submitted by local residents in July 2012 under section 15 of the Commons Act 2006 claiming that the application site had become a Town or Village Green by virtue of the use of the land by local inhabitants for a range of recreational activities as of right for will in excess of 20 years. Copies of an aerial photograph showing the application site were available. As a result of the consultation on the application Canterbury City Council, the majority landowners, had raised an objection to the application and the details of this were set out in paragraph 9 of the report.

(3) The Commons Registration Officer explained the legal tests and how they applied to this application (paragraphs 12 – 14 of the report refer) and outlined the decision in the Barkas case (paragraphs 17 to 21 of the report refer). She then outlined the comments made by both parties on the Barkas case and the conclusions to be drawn from this case in relation to this specific application.

(4) In conclusion the Commons Registration Officer stated that in relation to the use “as of right” test the key to this was that the land had been provided by the Local Authority for recreation purposes which was a bar to this application as had been confirmed by the Barkas case.

(5) The Chairman invited Mrs S Langdown to address the Committee on behalf of the applicants. Mrs Langdown expressed her gratitude to the Panel for agreeing last

November to defer any decision their application, pending the outcome of the Barkas case in the Supreme Court. She informed the Committee that this delay has been extremely helpful as it has given the applicants and Canterbury City Council the opportunity to look at ways in which this matter might be resolved to their mutual benefit. She stated that she was pleased to report that the City Council has decided to designate that area of Kingsmead field corresponding to our application for a village green, as a Protected Open Space. She explained that it was for this reason and having regard for the public purse, that they had decided not to pursue any appeal of this Panel's likely decision based upon the recommendation before you.

(6) Mrs Langdown asked for it to be noted that in the Barkas case Lord Neuberger and Lord Carnwath, in their respective summaries both allowed for the possibility of exceptions to the general proposition that land being held in public ownership is incapable of registration as a village green. She expressed the view that no doubt these and other aspects of the current law on village greens would continue to be tested. She confirmed that as far as the applicants were concerned they were content that they had for now achieved a measure of protection for Kingsmead field.

(7) Mr Cordes, representing Canterbury City Council, was invited to speak but confirmed that, in light of the statement made by Mrs Langdown, he did not need to do so.

(8) The Chairman invited Mr Gibbens, the local member for the Kingsmead Field area, to speak. Mr Gibbens thanked the Panel for the way in which they had conducted their consideration of this application. He expressed his support for the efforts of local residents to protect this area of public open space especially as such areas were of a premium in Canterbury and should be retained. The deferment of the determination of the application had enabled the local residents to work with Canterbury City Council, who had received a clear message that people across Canterbury wanted this area to be protected.

(9) Mr Maddison moved and Mrs Dagger seconded the recommendation in the report. There were 4 Members for the motion and 1 abstention. The motion was therefore carried.

(10) RESOLVED that the applicant be informed that the application to register land known as Kingsmead Field at Canterbury as a Town or Village Green has not been accepted.

10. Application to register land known as Chaucer Field at Canterbury as a new Village Green

(Item 4)

(1) The Commons Registration Officer updated the Panel on the background to this procedural matter that was before them in relation to the application to register land known as Chaucer Fields in Canterbury as a new Town or Village Green. The application had been made by a group of local residents in April 2011 and an objection to the application had been received from the University of Kent (as landowner). This matter had been considered by a meeting of the Panel on 11 September 2011 where the Panel had agreed to refer this application to a Public Inquiry for further consideration.

(2) The Commons Registration Officer explained that as a result of that decision officers had instructed an independent Barrister (the Inspector for the Public Inquiry) experienced in this area of legislation to hold a Public Inquiry and arrangements were made for this to commence on 18 March 2014. Prior to the commencement of the Inquiry the applicants had contacted the County Council and stated that they wished to amend their application to rely on section 15(2) of the Commons Act 2006 in conjunction with section 15(7)(b), instead of section 15(3). Further details of this amendment were set out in paragraphs 12 – 27 of the report. The Commons Registration Officer explained in some detail the effect of the proposed modification and the arguments both in support of and in opposition to allowing the proposed amendment. She also referred to the case of R (Newhaven Port & Properties Ltd) v East Sussex County Council (the Newhaven case). The presumption in this case appeared to be that section 15(7)(b) applied only to post-Act permission and did not operate retrospectively.

(3) The Commons Registration Officer explained that a hearing had been held on 18 March 2013 at which both parties had made representations to the Inspector on this issue. The Inspector's conclusions and recommendations were summarised in paragraphs 28 to 31 of the report. The Inspector had expressed a preference for the University's interpretation of section 15(7)(b) of the Commons Act 2006 (i.e. that it did not apply to permissions granted prior to the commencement of the section on 7 April 2007).

(4) The Commons Registration Officer referred to the comments by the applicants and landowners on the Inspector's report as set out in paragraphs 33 and 34 of the report. The Inspector advised that having considered these comments she could see nothing within them to change the conclusion reached in her report of 22 January 2014. The Inspector had also noted that Newhaven Port & Properties had withdrawn their appeal to the Supreme Court so that there was no longer any question of adjourning further consideration of this application. The Commons and Registration Officer confirmed that the Inspector's advice accorded with DEFRA's current guidance.

(5) The Chairman referred the Committee to the recommendation set out in the report and commended the tireless work carried out by the parties involved. Mr Manion thanked the Commons Registration Officer for a clear report on a complex issue and moved the recommendation in the report. This was seconded by Mr Maddison.

(6) The motion was agreed unanimously.

RESOLVED that the Inspector's advice (contained in her report dated 22 January 2014) to proceed with this application be endorsed on the basis that section 15(7)(b) of the Commons Act 2006 does not have retrospective effect.

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Update from the Definitive Map Team

A report by the Head of Regulatory Services to Kent County Council's Regulation Committee on Tuesday 2nd September 2014.

Recommendation:

I recommend that Members consider this report and note its content.

Progress with Definitive Map Team applications

1. Members requested that a summary of the current position of applications to amend the Definitive Map and Statement (DMS) be provided annually to the Regulation Committee. A copy of the Register of Section 53 applications to amend the DMS and the Register of applications to divert or extinguish public rights of way is therefore attached at **Appendix A**. The Registers are also available on line at:-

<http://www.kent.gov.uk/waste-planning-and-land/public-rights-of-way/correct-the-rights-of-way-map> and <http://www.kent.gov.uk/waste-planning-and-land/public-rights-of-way/change-rights-of-way>.

2. The Registers are updated on a regular basis to reflect progress with cases.
3. During the period April 2013 to March 2014, sixteen Public Path Orders and twelve Definitive Map Modification Orders were confirmed. Two routes have been created by agreement with the landowners and one Order has been confirmed to facilitate the safer crossing of a railway.
4. There are currently forty one unallocated diversions/extinguishments and twenty one unallocated section 53 applications. The average wait between receipt of an application and allocation to an officer is currently two years for diversions/extinguishments and two and a half years for Section 53 applications.
5. Orders with unresolved objections are determined by the Secretary of State. During the above period, there has been one Public Inquiry (relating to a claimed path at Snodland) and one Public Hearing (relating to the diversion of Public Footpaths KH125 and KH130). A further two cases have been submitted to the Planning Inspectorate for resolution, one of which is being determined by Written Representations (relating to the diversion of Public Footpaths KM42 & KM43). A Public Inquiry will be held to determine the other case (relating to a claimed path at Marden).
6. The County Council has entered into Service Level Agreements (SLA) with five District Councils (Ashford, Dartford, Swale, Tonbridge & Malling & Tunbridge Wells) to process their Town & Country Planning Act Applications to divert and stop up rights of way in order to enable development to take place. Since entering into these Agreements, twenty applications have been received, ten from Ashford, three from Tunbridge Wells, two from Dartford, three from Swale and two from Tonbridge & Malling. Of the twenty applications, ten have been completed and a further three are awaiting certification following the completion of works. The generation of income from these applications enables us to retain

expertise within the team. Discussions are also taking place with Sevenoaks District Council as they are considering entering into an SLA.

De-regulation Bill

7. The De-regulation Bill is currently progressing through the House of Lords with the Committee stage due to take place on 21 October 2014.

8. Key proposals of the De-Regulation Bill which will affect PROW & Access are:

Section 53 Applications -

- It introduces a preliminary sift (basic evidential test) for Section 53 applications so that Local Authority's are relieved of the burden of dealing with poor or spurious applications (this sift must be completed within 3 months of receiving the application).
- It will be the responsibility of the Local Authority to approach landowners to inform them of an application, rather than applicants, but only when an application passes the preliminary sift.
- It enables a Local Authority to negotiate an alternative route with the landowner before recording the way – this is to alleviate the impact of “discovered” ways. An Authority can make a Special Order i.e. a diversion Order, an Order altering the width of the path or an Order imposing a new limitation or condition (this must occur within 6 months of notifying the landowner of the application).
- It provides for a recourse to a local Magistrates Court rather than the Secretary of State where a Local Authority has failed to carry out a preliminary sift (within 3 months of receipt) or determine an application that has passed the sift (within 12 months of receipt).
- It enables a Local Authority to disregard irrelevant appeals and objections rather than having to submit them all to the Secretary of State.
- It creates a fast track procedure for correcting minor administrative errors on the definitive map and statement.
- It removes the reasonably alleged to subsist element from Section 53 – would only make an Order if the claimed route subsists.
- It reduces the requirement for advertising rights of way Orders in newspapers.
- It will bring into force the 2026 cut off date i.e. all unrecorded rights of way created before 1949 will be extinguished immediately after 1 January 2026 – subject to certain exceptions.
- It provides for Local Authority's to designate a right of way for protection during a short window after the cut-off – one year period.
- It preserves routes identified on the list of streets/local street gazetteer as publicly maintainable or as private streets carrying public rights.
- It preserves rights over routes that are subject to a pending application.

Diversion/Extinguishment applications, the Act will:-

- Correct flaws in existing legislation that provides for a statutory “right to apply” for an extinguishment or diversion of an existing right of way – previously only applied to an owner, lessee or occupier of any land used for agriculture, forestry or the breeding or keeping of horses.

- Enable an Authority to charge the full cost of processing an Order, including any work carried out after a case is submitted to the Planning Inspectorate.
- Establish a presumption in favour of diverting or extinguishing a right of way which passes through a garden, a working farmyard or forestry yard or other operational businesses or working industrial premises.

Other:-

- Provide for landowners to apply for gates on byways for the purposes of preventing the ingress and egress of animals.

Antisocial Behaviour, Crime & Policing Act 2014

9. This Act received Royal Assent on 13 March 2014 and the commencement of the Act is likely to begin later in the year.

This legislation replaces Gating Orders with a Public Spaces Protection Order and the responsibility for making such Orders will rest with the District Councils.

The Act states that a Local Authority may make a Public Spaces Protection Order if satisfied on reasonable grounds that two conditions are met.

The first condition is that –

- a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities –

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

In Kent there are currently two Gating Orders (Henley Fields and Ashford Church yard) and these will automatically convert to a Public Spaces Protection Order (PSPO) after three years. Once converted each PSPO and any new PSPO must be reviewed every three years and may be further extended up to a period of three years.

District Councils will be required to notify the County Council but there is no duty to consult, although it is hoped that the County Council's views will be taken into account before a decision is made.

Detailed Guidance is crucial to determine exactly how the above legislation will be applied in practice

Recommendation

10. I RECOMMEND Members consider this report and note its content.

Background documents:

Appendix A – Registers of applications

Contact Officer:

Laura Wilkins - Definitive Map Team Leader

Public Rights of Way & Access Service

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Register of Applications under Section 53(5) of the Wildlife and Countryside Act 1981

For further information please telephone 03000 411101
Last updated - 20 August 2014



Serial No.	Area	Location	OS Grid Reference	Path Number	Description	Status Claimed	File Ref	Date Accepted	Current Position	Case Officer	Final Outcome
165	East	Whitstable		CW85	Claimed upgrading to Bridleway status, Carlton Road	Bridleway	PROW/CC/C165		Declined to make an Order - no Appeal received	Chris Wade	Case complete
166	East	Folkestone	TR 2031 3645		Claimed Footpath, Green Walk	Footpath	PROW/SH/C165	11/03/1998	Declined to make an Order - no Appeal received	Sonia Coventry	Case complete
171A	West	Bayham Abbey			Claimed Footpath at Bayham Abbey	Footpath	PROW/TW/C171A	03/09/1998	Orders not confirmed following a Public Inquiry	Chris Wade/Melanie McNeir	Case complete
174	West	Speldhurst	TQ 5580 4215	WT65	Claimed amendment to Footpath WT65		PROW/TW/C174	21/01/1999	No grounds of Appeal received	Laura Wilkins	Case complete
184	East	Chilham & Chartham	TR 0854 5399		Claimed Footpath, Mill Lane to Thruxted Lane	Footpath	PROW/AS & CC/C184	09/03/2000	Orders Confirmed by Secretary of State	Laura Wilkins	Case complete
195	East	Bethersden	TQ 9200 4038, TQ 9197 4059, TQ 9219 4053		Claimed Footpath, Wissenden Road to AW258 & AW257	Footpath	PROW/AS/C195	22/02/2001	Under investigation	Melanie McNeir	
203	East	Whitstable	TR 0469 6484 to TR 0622 6478		Claimed deletion of Footpath CW57 - Seasalter		PROW/CC/C203	01/08/2001	Order made, objections received - Order confirmed by Secretary of State	Chris Wade/Maria McLauchlan	Case complete
205	East	Whitstable	TR 106 663		Claimed Footpath, Nelson Road to Shaftsbury Road	Footpath	PROW/CC/C205	01/11/2001	Order not confirmed by Secretary of State following Public Inquiry	Laura Wilkins	Case complete
207	East	Margate	TR 337 693		Claimed Footpath, Brooke Avenue to Bridleway TM22	Footpath	PROW/TH/C207	16/11/2001	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
208	East	Dunkirk	TR 085 589		Claimed Bridleway, A2 to Bridleway ZR529	Bridleway	PROW/SW/C208	22/01/2002	Case withdrawn	Laura Wilkins	Case complete
209	West	Borough Green	TQ 6156 & TQ 6157		Claimed Footpath, Crouch Lane to recreation ground	Footpath	PROW/TM/C209	11/03/2002	Appeal dismissed	Sonia Coventry	Case complete
212	West	Edenbridge	TQ 4392 4632		Claimed Footpath, Crouch House Road to Springfield Road	Footpath	PROW/SE/C212	26/04/2002	Order made and confirmed	Sonia Coventry	Case complete
214	West	Ryarsh to Birling	TQ 6590 6144	MR145 & MR60A	Claimed upgrading of Bridleway MR145 and RUPP MR60A	Byway	PROW/TM/C214	31/10/2002	Appeal rejected	Melanie McNeir	Case complete

217	East	Whitstable	TR 5070 5715		Claimed Byway, Pean Hill to Foxes Cross Road	Byway	PROW/CC/C217	07/11/2002	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
222	East	Whitstable	TR 127 658	CW38	Claimed downgrading of part of CW38		PROW/CC/C222	28/03/2003	Order made - objections received - Public Inquiry held on 15 January 2013 - Order not confirmed	Chris Wade	Case complete
224	West	Headcorn	TQ 834 443	KH264	Claimed upgrading of KH624	Byway	PROW/MA/C224	14/04/2003	Appeal dismissed	Chris Wade	Case complete
225	West	Snodland	TQ 6855 6215	MR594	Claimed Byway, Pilgrims Way to Paddlesworth Road	Byway	PROW/TM/C225	01/05/2003	Order confirmed by Secretary of State	Maria McLauchlan	Case complete
226	West	Edenbridge	TQ 4460 4655		Claimed Footpath, Edenbridge Town Station to Railway Cottages	Footpath	PROW/SE/C226	06/08/2003	Appeal dismissed	Sonia Coventry	Case complete - Notices served incorrectly at Appeal
227	West	Bredgar	TQ 864 603		Claimed Footpath, Deans Bottom Farm	Footpath	PROW/MA/C227	06/08/2003	Order confirmed by Secretary of State following a Public Inquiry	Maria McLauchlan	Case complete
228	East	Dover	TR 3677 5091		Claimed Footpath, Telegraph Road to Cowdry Square	Footpath	PROW/DO/C228	28/07/2003	Declined to make an Order - no Appeal received	Sonia Coventry	Case complete
230	East	Ospringe	TQ 995 587	ZR359	Claimed amendment of Footpath ZR359		PROW/SW/C230	27/10/2003	Order made and confirmed	Maria McLauchlan	Case complete
232	West	Hartlip	TQ 8420 6495	ZR685	Claimed Footpath, Mill Lane to Lower Hartlip Road	Footpath	PROW/SW/C232	16/10/2003	Order made & confirmed	Maria McLauchlan	Case complete
233	East	Lower Halstow	TQ 8610 6711		Claimed Footpath, Westmoreland Drive to Cumberland Drive	Footpath	PROW/SW/C233	11/11/2003	Deed of Dedication - complete	Maria McLauchlan	Case complete
234	West	Hartley	TQ 6103 6842	SD334	Claimed Footpath, Caxton Road to Gorsewood Road	Footpath	PROW/SE/C234	15/12/2003	Order made & confirmed	Maria McLauchlan	Case complete
235	East	Hartlip	TQ various		Claimed Footpaths, lots 1-14	Footpath	PROW/SW/C235	09/12/2003	Declined to make an Order - no Appeal received	Maria McLauchlan	Case complete
236	West	Luddesdown	TQ 677 668 to TQ 678 667	NS243	Claimed Byway, RUPP NS243	Byway	PROW/GR/C236	23/02/2004	Appeal dismissed	Melanie McNeir	Case complete

238	West	Dunton Green			Claimed Footpath, from underpass opposite Dunton Green Primary School to Footpath SR105	Footpath	PROW/SE/C238	07/05/2004	Declined to make an Order - no appeal received	Melanie McNeir	Case complete
239	West	Hadlow	TQ 6289 5017		Claimed Footpath, The Freehold to Carpenters Lane	Footpath	PROW/TM/C239	25/06/2004	Declined to make an Order - no Appeal received	Melanie McNeir	Case complete
240	West	Sevenoaks	TQ 523523 to TQ 528519		Claimed Footpath, Hubbards Hill to Gracious Lane	Footpath	PROW/SE/C240	04/08/2004	Order made and confirmed	Melanie McNeir	Case complete
242	East	Chilham	TR 077 526	AE18 & AE429	Claimed upgrading of AE18 & AE429	Byway	PROW/AS/C242	01/10/2004	Declined to make an Order - at Appeal	Chris Wade	
243	East	St Margaret's Bay	TR 3639 4466		Claimed Footpath, Droveaway Gardens to Kenilworth Close	Footpath	PROW/DO/C243	20/10/2004	Appeal rejected	Melanie McNeir	Case complete
244	East	Ramsgate	TR 388 657		Claimed Footpath across playing fields off Honeysuckle Road	Footpath	PROW/TH/C244	25/10/2004	Orders made and confirmed	Chris Wade	Case complete
245	West	Gravesham	NU31A, TQ 642 691 to TQ 644 693 NU33 TQ 644 693 to TQ 652 692	NS31A, NS33	Claimed upgrading of NU31A & NU33	Byway	PROW/GR/C245	26/10/2004	Declined to make an Order - No Appeal received	Chris Wade	Case complete
246	East	Whitstable	TR 0627 6482 to 0980 6573		Claimed Footpath, Reeves Beach to Footpath CW82 north of the Sportsman Public House	Footpath	PROW/CC/C246	03/11/2004	Declined to make an Order	Maria McLauchlan	
248	East	Whitstable	TR 1295 6606		Claimed Footpaths, Grasmere Pastures	Footpath	PROW/CC/C248	14/12/2004	Order made and confirmed	Melanie McNeir	Case complete
249	East	Tenterden	TQ 588530 to TQ 135400		Claimed Footpaths, Ashford Road to AB5 and Heather Drive to footpath leading to A28	Footpath	PROW/AS/C249	21/01/2005	Order made and objections received - Order not confirmed	Stewart Biggs	Case complete
250	East	Stourmouth	TR 265 633		Claimed Byway, West Stourmouth to former B2046 through Heronsgate Farm	Byway	PROW/CC/C250	08/02/2005	Order made and confirmed	Melanie McNeir	Case complete
255	West	West Kingsdown	TQ 588 606		Claimed Footpath Terry's Lodge Farm	Footpath	PROW/SE/C255	22/07/2005	Appeal rejected	Stewart Biggs	Case complete
256	East	Leysdown	TR 043 695		Claimed Footpath, Wing Road to Muswell Manor	Footpath	PROW/SW/C256	05/08/2005	Order made and confirmed	Stewart Biggs	Case complete
257	East	Sandgate	TR 201 351	HF64, HF65, HF66	Claimed Footpath, Encombe to Prospect Road	Footpath	PROW/SH/C257	15/08/2005	Order made and confirmed	Maria McLauchlan	Case complete
258	West	Meopham	TQ 6387 6486	NS360	Claimed Footpath, Steele's Lane, A227 - NS285	Footpath	PROW/SH/C258	23/08/2005	Order confirmed by Secretary of State	Maria McLauchlan	Case complete
259	East	Westgate-on-Sea	TR 3155 6906		Claimed Footpath, Allen Avenue to Dunstan Avenue	Footpath	PROW/TH/C259	27/09/2005	Order made and confirmed	Sonia Coventry	Case complete linked with file PROW/TM42/1283

260	East	Adisham	1) TR 218 533 2) TR 222 534 3) TR 219 526 4) TR 223 530		Four claimed Footpaths	Footpath	PROW/CC/C260	10/10/2005	Order confirmed by the Secretary of State, adding 3 footpaths and 1 bridleway	Maria McLauchlan	Case complete
261	West	Marden	TQ 759 448		Claimed Footpath, KM272 to Battle Lane	Footpath	PROW/MA/C261	04/11/2005	Order made and confirmed	Maria McLauchlan	Case complete
262	West	Birling	TQ 667 617	MR48	Claimed upgrading of MR48	Byway	PROW/TM/C262	04/11/2005	Declined to make an Order - no Appeal received	Melanie McNeir	Case complete
263	West	Wrotham	TQ 601 592	MR231	Claimed upgrading of MR231	Byway	PROW/TM/C263	04/11/2005	Declined to make an Order - no Appeal received	Stewart Biggs	Case complete
264	West	Birling	TQ 665 623	MR60	Claimed upgrading of MR60	Byway	PROW/TM/C264	04/11/2005	Declined to make an Order - no Appeal received	Melanie McNeir	Case complete
265	East	Alkham	TR 238 428	ER76	Claimed upgrading of ER76	Byway	PROW/DO/C265	07/11/2005	Declined to make an Order - no Appeal received	Stewart Biggs	Case complete
266	East	Alkham	TR 269 435	ER175	Claimed upgrading of ER175	Byway	PROW/DO/C266	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Case complete
267	East	Alkham	TR 260 423	ER177	Claimed upgrading of ER177	Byway	PROW/DO/C267	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Case complete
268	East	Alkham	TR 268 429	ER178	Claimed upgrading of ER178	Byway	PROW/DO/C268	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Case complete
269	East	Alkham	TR 261 432	ER184	Claimed upgrading of ER184	Byway	PROW/DO/C269	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Case complete
270	East	Alkham	TR 271 422	ER261	Claimed upgrading of ER261	Byway	PROW/DO/C270	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Case complete
271	East	Alkham	TR 287 400	ER89 & ER223	Claimed upgrading of ER89 & ER223	Byway	PROW/DO/C271	29/11/2005	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
272	East	Alkham	TR 257 418	ER179	Claimed upgrading of ER179	Byway	PROW/DO/C272	29/11/2005	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
273	East	Ellinge	TR 238 428	ER186	Claimed upgrading of ER186	Byway	PROW/DO/C273	29/11/2005	Declined to make an Order - no Appeal received	Stewart Biggs	Case complete
274	East	West Hougham	TR 263 393	ER224	Claimed upgrading of ER224	Byway	PROW/DO/C274	29/11/2005	Declined to make an Order - no Appeal received	Melanie McNeir	Case complete
275	West	Lenham	TQ 904 522	KH433	Claimed upgrading of KH433	Byway	PROW/MA/C275	29/11/2005	Declined to make an Order - no Appeal received	Melanie McNeir	Case complete
276	West	Ightham	TQ 606 550	MR311	Claimed upgrading of MR311	Byway	PROW/TM/C276	29/11/2005	Declined to make an Order - no Appeal received	Melanie McNeir	Case complete

277	West	Wateringbury	TQ 697 544	MR501	Claimed upgrading of MR501	Byway	PROW/TM/C277	29/11/2005	Declined to make an Order - no Appeal received	Melanie McNeir	Case complete
278	East	Wormdale	TQ 858 635	ZR64	Claimed upgrading of ZR64	Byway	PROW/SW/C278	29/11/2005	Under investigation	Melanie McNeir	
279	West	Hawkhurst	TQ 765 283	WC230	Claimed upgrading of WC230	Byway	PROW/TM/C279	29/11/2005	Declined to make an Order	Melanie McNeir	Case complete
280	East	Capel-le-Ferne	TR 266 388	ER226	Claimed upgrading of ER226	Byway	PROW/DO/C280	16/12/2005	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
281	East	Capel-le-Ferne	TR 276 393	ER225	Claimed upgrading of ER225	Byway	PROW/DO/C281	16/12/2005	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
282	East	Westerham	TQ 453 568	ER225	Claimed upgrading of Public Footpaths, SR331 (part) and SR332	Bridleway	PROW/SE/C282	19/12/2005	Public Inquiry held on 30 January 2013 - Order not confirmed	Laura Wilkins	Case complete
283	East	Lydd	TR 055 185	Footpaths HL4, 37 & 38 Restricted Byways HL39, 40 & 41	Claimed upgrading of Footpaths HL4, 37 & 38 and Restricted Byways HL39, 40 & 41	Byway	PROW/SH/C283	26/01/2006	Declined to make an Order - Appeal withdrawn	Maria McLauchlan	Case complete
284	East	Sandwich	TR 325 581	ES9	Claimed amendment to Footpath ES9	Footpath	PROW/DO/C284	28/02/2006	Declined to make an Order - Notice of Decision issued 06-08-2014	Melanie McNeir	
285	East	Newington	TQ 853 645		Claimed Footpath from Orchard Drive to the Recreation Ground	Footpath	PROW/SW/C285	03/03/2006	Orders made and confirmed for an extinguishment and creation	Laura Wilkins	Case complete
286	West	Marden	TQ 735 437		Claimed Footpath running along Roughlands Lane	Footpath	PROW/MA/C286	15/03/2006	Order made - objections received, submitted to Planning Inspectorate for determination	Chris Wade	
287	West	West Kingsdown	TQ 575 609		Claimed Footpath, Tinkerpot Lane to SD283	Footpath	PROW/SE/C287	28/03/2006	Declined to make an Order	Melanie McNeir	Case complete
288	West	Marden	TQ 751 461		Claimed Footpath, KM240 to Milebush Lane	Footpath	PROW/MA/C288	08/08/2006	Declined to make an Order - at Appeal - Appeal dismissed	Melanie McNeir	Case complete
289	West	Northfleet	TQ 864 603		Claimed Footpath, Beaumont Road and Dover Road	Footpath	PROW/GR/C289	09/08/2006	Declined to make an Order - no Appeal received	Maria McLauchlan	Case complete

290	East	Lydden	TR 242 448	ER121	Claimed addition to the particulars relating to Bridleway ER121		PROW/DO/C290	14/08/2006	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
291	East	Lydden	TR 242 448	ER121	Claimed addition to the particulars relating to Bridleway ER121		PROW/DO/C291	30/08/2006	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
292	East	Little Chart	TQ 934 466	AW108	Claimed addition to the particulars relating to Footpath AW108		PROW/AS/C292	04/09/2006	Order confirmed with modifications following Public Inquiry	Maria McLauchlan	Case complete
293	East	Birchington	TR 304 692		Claimed Footpath, Yew Tree Gardens to Neame Woods	Footpath	PROW/TH/C293	05/10/2006	Declined to make an Order - no Appeal received	Laura Wilkins/Matt Garvey	Case complete
294	West	Marden	TQ 744 474 to TQ 744 477		Claimed Byway, Tilden Lane to Footpath KM229	Byway	PROW/MA/C294	31/10/2006	Declined to make an Order - Appeal received - Appeal dismissed	Melanie McNeir	Case complete
295	East	Teynham			Claimed Footpath, ZR234 to ZR234	Footpath	PROW/SW/C295	29/01/2007	Order made and confirmed	Stewart Biggs	Case complete
296	East	Whitstable	TR 106 664		Claimed Footpath, Middle Wall to Cornwallis Circle	Footpath	PROW/CC/C296	20/02/2007	Order made and confirmed	Laura Wilkins/Matt Garvey	Case complete
297	East	Littlebourne	TR 1984 5725 to TR 2060 5758		Claimed Footpath, CB150 to The Hill	Footpath	PROW/CC/C297	27/03/2007	Declined to make an Order - Appeal received - Appeal dismissed	Melanie McNeir	Case complete
298	East	Littlebourne	TR 1910 5656 to TR 2060 5758		Claimed Footpath, CB152 to The Hill	Footpath	PROW/CC/C298	27/03/2007	Declined to make an Order - Appeal received - Appeal dismissed	Melanie McNeir	Case complete
299	East	Whitstable	TR 105 659		Claimed Footpath, Glebe Way to the level crossing	Footpath	PROW/CC/C299	07/06/2007	Order made and confirmed	Laura Wilkins/Matt Garvey	Case complete
300	West	Marden	TQ 717 417 to TQ 751 411		Claimed Restricted Byway, Sherenden Lane to Harts Heath	Restricted Byway	PROW/MA/C300	04/07/2007	Declined to make an Order - Appeal received - Appeal withdrawn	Melanie McNeir	Case complete
301	West	Swanscombe	TQ 605 750		Claimed Footpath, Pilgrims Road	Footpath	PROW/DA/C301	20/07/2007	Order made and confirmed	Maria McLauchlan	Case complete
302	East	Greatstone	TR 0808 2288		Claimed Footpath, The Parade to Merritt Road	Footpath	PROW/SH/C302	20/08/2007	Order made and confirmed	Maria McLauchlan	Case complete
303	East	Ickham	TR 2002 5677 to TR 2054 5629		Claimed Footpath, Lackenden to Garrington	Footpath	PROW/CC/C303	20/08/2007	Order made and confirmed	Maria McLauchlan	Case complete
304	East	Lympne, Hythe	TR 120 351		Claimed Footpath, Belcaire Close to Harman Avenue	Footpath	PROW/SH/C304	06/09/2007	Order made and confirmed	Maria McLauchlan	Case complete

305	West	Marden & Horsmonden	TQ 738 422 to TQ 723 426	Includes path numbers FP KM261, FP KM258, FP WT333, FP WT332 & FP WT331	Claimed Restricted Byway, Goudhurst Road to Queen Meads	Restricted Byway	PROW/MA&TW/C305	06/12/2007	Declined to make an Order - Appeal received - Appeal dismissed	Maria McLauchlan	Case complete
306	West	Dartford	TQ5097/7241 to TQ5104/7264 to TQ5098/7273		Claimed Footpath, Tile Kiln Lane to Calvert Drive	Footpath	PROW/DA/C306	05/02/2008	Declined to make an Order - no Appeal received	Matthew Garvey	Case complete
307	West	Snodland & Larkfield	TQ7119 6131 to TQ 7131 6102		Claimed Footpath running between Footpath MR44 and another connection with Footpath MR44	Footpath	PROW/TM/C307	04/04/2008	Order made and confirmed	Maria McLauchlan	Case complete
308	West	Lenham	TQ 9101 4995 to TQ 9128 4985		Claimed Bridleway from Bull Hill to Footpath KH405, Lenham Heath	Bridleway	PROW/MA/C308	01/05/2008	Order Confirmed (Public Footpath status) by Secretary of State following Written Representations	Matthew Garvey	Case complete
309	West	Sundridge	TQ 4808 5345 to TQ 4814 5346		Claimed Footpath from New Road to Bridleway SR259, Sundridge	Footpath	PROW/SE/C309	05/06/2008	Public Inquiry held on 23 January 2013 - Order confirmed - SR737 added to Map and Statement	Laura Wilkins	Case complete
310	West	Hollingbourne	TQ 8422 5482 to TQ 8434 5501		Claimed Footpath from Greenway Court Road to B2163, Hollingbourne	Footpath	PROW/MA/C310	10/06/2008	Order made and confirmed	Matthew Garvey	Case complete
311	West	West Kingsdown	TQ 5732 6325 to TQ 5739 6317		Claimed Footpath from Hever Avenue to Church Road, West Kingsdown	Footpath	PROW/SE/C311	18/06/2008	Order made, objections received - Order confirmed by Secretary of State	Maria McLauchlan	Case complete
312	East	Margate	TR 3885 7196 to TR 3887 7113		Claimed Footpath from Knockholt Road to The Ridings, Margate	Footpath	PROW/TH/C312	22/07/2008	Order made and confirmed	Maria McLauchlan	Case complete
313	East	Whitstable	TR 1072 6479 to TR 1098 6499		Claimed Footpath from Gorrell Wood via Benacre Wood to St Andrews Close and returning to Gorrell Wood	Footpath	PROW/CC/C313	06/08/2008	Case withdrawn	Melanie McNeir	Case complete
314	West	Snodland	TQ 7003 6183 to TQ 7008 6184		Claimed Footpath from Birling Road to Bingley Close	Footpath	PROW/TM/C314	29/08/2008	Public Inquiry held on 5 April 2013 - Order confirmed	Chris Wade	Case complete

315	West	Shipbourne	TQ 5894 5093 to TQ 5894 5089		Claimed Bridleway from MT50 to MT50	Footpath	PROW/TM/C315	06/10/2008	Order made and confirmed	Matthew Garvey	Case complete
316	West	Riverhead	TQ 5147 5624 to TQ 5147 5620		Claimed Footpath from Maidstone Road to St. Mary's Church	Footpath	PROW/SE/C316	13/10/2008	Order made and confirmed	Laura Wilkins	Case complete
317	West	Tunbridge Wells	TQ 5838 3937 to TQ 5840 3945 and TQ 5844 3938		Claimed Footpaths from Clanricarde Road to Mount Pleasant Road and Church Road	Footpath	PROW/TW/C317	20/11/2008	Order made and confirmed	Laura Wilkins	Case complete
318	West	Hildenborough	TQ 581 491 to TQ 582 492 and TQ 580 488 to TQ 580 493 and TQ 580 488 to TQ 579 486		Claimed Footpaths from Bridleway MT52 to Public Footpath MT37 and from Public Footpath MT37 to another connection with Public Footpath MT37 and from Bridleway MT52 to Public Footpath MT37	Footpath	PROW/TM/C318	24/11/2008	Order made and confirmed for 2 of the claimed routes	Laura Wilkins	Case complete
319	East	Minster	TR 3057 6472 to TR 3047 6456		Claimed Footpath from Monkton Road (start of TE34) to its junction with Footpath TE33	Footpath	PROW/TH/C319	24/04/2009	Order made and confirmed	Maria McLauchlan	Case complete
320	East	Cheriton, Folkestone	TR 1903 3618 to TR 1909 3609		Claimed Footpath from the end of Valebrook Close to the northern end of Public Footpath HF43	Footpath	PROW/SH/C320	14/05/2009	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
321	West	Tunbridge Wells	TQ 5896 4039 to TQ5893 4045		Claimed Footpath from the Top Gate of Grosvenor Park to Quarry Road	Footpath	PROW/TW/C321	25/05/2009	Order confirmed with modifications following submission to the Secretary of State	Matthew Garvey	Case complete
322	East	High Halden	TQ 9069 3645 to TQ 9229 3664	AT164	Claimed downgrading to a Footpath the Restricted Byway AT164 running from Redbrook Street to Harbourne Lane	Footpath	PROW/AS/C322	11/06/2009	Application does not comply with the legislation		Case complete
323	East	Harbledown	TR 129 573 to TR 129 9577	CB485	Claimed upgrading to a Restricted Byway part of Public Footpath CB485 running from Whitehall Road to its junction with the North Downs Way	Restricted Byway	PROW/CC/C323	07/07/2009	Declined to make an Order - no Appeal received	Matthew Garvey	Case complete
324	East	Whitstable	TR 1082 6571 to TR 1084 6580		Claimed Footpath from Green Lane to Harwich Street	Footpath	PROW/CC/C324	13/08/2009	Order made and confirmed	Matthew Garvey	Case complete
325	East	Milton Regis, Sittingbourne	TQ 9006 6503 to TQ 9011 6494		Claimed Footpath from Middletune Avenue to Vicarage Road	Footpath	PROW/SW/C325	27/08/2009	Order made and confirmed	Maria McLauchlan	Case complete

326	East	Brabourne	TR 0766 4014 to TR 0740 4042		Claimed Footpath from Church Road to Public Footpath AE285	Footpath	PROW/AS/C326	07/12/2009	Order made, objection received - Order confirmed with modifications by Secretary of State	Maria McLauchlan	Case complete
327	East	Ringwold with Kingsdown	TR 3759 4811 to TR 3771 4811		Claimed Footpath from The Avenue to Footpath ER8	Footpath	PROW/DO/C327	29/12/2009	Order made and confirmed	Maria McLauchlan	Case complete
328	West	Hildenborough	TQ 5778 4750 to TQ 5773 4739	MT43	Claimed amendment to the alignment of part of Public Footpath MT43	Footpath	PROW/TM/C328	05/01/2010	Order made and confirmed	Maria McLauchlan	Case complete
329	East	Dymchurch & Burmarsch	TR 1275 3191 to TR 1215 3317		Claimed Restricted Byway running from A259 to Botolph's Bridge Road	Restricted Byway	PROW/SH/C329	17/02/2010	Order made, objections received, Public Inquiry held on 22 July 2014 - Order not confirmed	Maria McLauchlan	Case complete
330	East	Shepherdswell with Coldred	TR 2591 4779 to TR 2594 4752		Claimed Footpath from Public Footpath ER80/81 (Moorland Road) to Public Footpath ER83	Footpath	PROW/DO/C330	02/03/2010	Order made and confirmed	Maria McLauchlan	Case complete
331	West	Aylesford & Burham	TQ 7169 6199 to TQ 7247 5904	MR465, MR459, MR430 & MR454 (part)	Claimed upgrading to Restricted Byway status Public Footpaths MR465, MR459, MR430 & MR454 (part) and the addition of four Restricted Byways	Restricted Byway	PROW/TM/C331	23/03/2010	Orders made to upgrade the Footpaths to Bridleways and add four Bridleways	Maria McLauchlan	
332	West	Swanley	TQ 5095 6815 to 5094 6814		Claimed Public Footpath from Azalea Drive to Ladds Way	Footpath	PROW/SE/C332	25/03/2010	Declined to make an Order - no Appeal received	Maria McLauchlan	Case complete
333	West	Sevenoaks	TQ 5354 5291 to TQ 5354 5296		Claimed Public Footpath running from one public roadside footpath to another in front of the White Hart Public House (Tonbridge Road)	Footpath	PROW/SE/C333	26/04/2010	Declined to make an Order - no Appeal received	Maria McLauchlan	Case complete
334	West	Teston	Route 1 TQ 6978 5482 to 7017 5439 Route 2 TQ 6986 5465 to 6980 5461 Route 3 TQ 6991 5479 to 7017 5459 Route 4 TQ 7006 5443 to 7017 5459		Claimed Bridleways known as Green Walks:- Route 1 -Northpole Road to KM333 Route 2 - Route 1 to Livesey Street Route 3 Northpole Road to KM333 and Route 4 Route 4 Route 1 to KM333 and Route 3	Bridleway	PROW/MA/C334	27/04/2010	Awaiting investigation		
335	East	Shepherdswell with Coldred	TR 2584 4805 to TR 2587 4798		Claimed Footpath from Eythorne Road to Church Hill	Footpath	PROW/DO/C335	01/06/2010	Order made & confirmed	Maria McLauchlan	Case complete

336	East	Dover	TR 3199 4221 to TR 3203 4218		Claimed Footpath from Connaught Road to Footpath EBX9 (Godwyne Path) running alongside the property known as Castle Rise	Footpath	PROW/DO/C336	29/07/2010	Order made & confirmed	Maria McLauchlan	Case complete
337	West	West Kingsdown & Kemsing	TQ 5751 6095 to 5747 5934 & 5781 6040 to 5807 6067		Claimed Restricted Byway from Tinkerpot Lane to Pilgrims Way and St Clere Hill, including the upgrading of parts of Public Footpaths SD283 & SD284	Restricted Byway	PROW/SE/C337	11/08/2010	Declined to make an Order - at Appeal - Appeal dismissed	Melanie McNeir	Case complete
338	West	Kingswood	TQ 8426 5066 to TQ 8414 5015		Claimed Footpath from Lenham Road, Kingswood, ME17 1LZ to Footpath KH312 and Footpath KH313A	Footpath	PROW/MA/C338	17/11/2010	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
339	West	Greenhithe	TQ 5862 7515 to TQ 5862 7519		Claimed Footpath from the High Street to the Foreshore adj. to the Sir John Franklin P.H.	Footpath	PROW/DAC339	22/02/2011	Under investigation	Maria McLauchlan	
340	West	Swanscombe & Greenhithe	Deletion - TQ 5881 7419 to TQ 5883 7419 Addition - TQ 5881 7419 to TQ 5885 7416	DS10	Claimed deletion of part of Footpath DS10 running from the steps through the gardens of 73, 71, 69 & 67 Valley View and the addition of a footpath running from the steps in a southerly direction and easterly to Valley View	Footpath	PROW/DA/C340	18/07/2011	Under investigation	Maria McLauchlan	
341	East	Woodchurch	TQ 9419 3493 to TQ 9412 3490		Claimed Public Footpath from All Saints Church to Rectory Close	Footpath	PROW/AS/C341	13/10/2011	Accelerated in line with Statement of Priorities - Order made & confirmed	Maria McLauchlan	Case complete
342	West	Dartford	TQ 5534 7341 to TQ 5534 7336		Claimed Public Footpath from Brent Lane to Princes Road	Footpath	PROW/DA/C342	28/11/2011	Awaiting investigation		
343	West	Tunbridge Wells	TQ 6008 4113 to TQ 6012 4108		Claimed Public Footpath from Burslem Road to Greggs Wood Road	Footpath	PROW/TW/C343	03/01/2012	Awaiting investigation		
344	West	West Peckham			Seven claimed Public Footpaths at West Peckham	Footpath	PROW/TM/C344	26/01/2012	Awaiting investigation		
345	West	Aylesford & Burham	TQ 7449 6204 to TQ 7474 6163	MR52	Claimed upgrade of part of MR52 and the claimed addition of a bridleway running from MR52 to Old Chatham Road	Bridleway	PROW/TM/C345	09/02/2012	Awaiting investigation		
346	West	Shorne	TQ 6946 7371 to TQ 6946 7365		Claimed Public Footpath from the junction of Footpaths NS317 & NS318 to the northern end of Queens Farm Road	Footpath	PROW/GR/C346	02/03/2012	Awaiting investigation		

347	West	Cranbrook	TQ 7685 3713 to TQ 7672 3684		Claimed Public Footpath running through Angley Woods from Public Footpath WC89 to another connection with WC89	Footpath	PROW/TW/C347	03/05/2012	Awaiting investigation		
348	West	Sevenoaks	TQ 5249 5606 to TQ 5297 5583		Claimed Public Bridleway from the junction of Linden Chase and Bradbourne Park Road to the junction of Linden Chase and Mount Harry Road	Bridleway	PROW/SE/C348	31/08/2012	Awaiting investigation		
349	West	Sevenoaks	TQ 5289 5608 to TQ 5284 5597		Claimed Public Footpath from Bradbourne Road to Linden Chase	Footpath	PROW/SE/C349	07/09/2012	Awaiting investigation		
350	East	Charing	TQ 9681 5027 to TQ 9741 5025		Claimed Public Footpath from Longbeech Park to 2 Tree Tops, Canterbury Road	Footpath	PROW/AS/C350	10/10/2012	Under investigation - accelerated in line with Statement of Priorities	Laura Wilkins	
351	East	Kingsnorth	TR 0130 3800 to TQ 0154 3775		Claimed Public Bridleway from Slab Castle, Steeds Lane to its connection with the A2070	Bridleway	PROW/AS/C351	18/10/2012	Awaiting investigation		
352	West	Ightham	TQ 5904 5656 to TQ 5913 5680		Claimed Public Footpath running from Oldbury Lane to Public Footpath MR230	Footpath	PROW/TM/C352	15/01/2013	Awaiting investigation		
353	West	Tovil	TQ 7520 5480 to TQ 7491 5479		Claimed Public Footpath running from the end of Tovil bridge from existing footpath KMX39 to the corner of Bridgemill Way play area adj. to 18 The Hurstings	Footpath	PROW/MA/C353	10/04/2013	Awaiting investigation		
354	West	Hythe	TR 1677 3491 to TR 1677 3485		Claimed Public Footpath running from Seabrook Road between nos. 20 & 22 to Twiss Grove between nos. 11 & 13	Footpath	PROW/SH/C354	30/08/2013	Awaiting investigation		
355	West	Maidstone	TQ 734565 to TQ 732563		Claimed Public Footpath from Restricted Byway KB47 (near Howard Drive) following track around edge of Pear Orchard to another connection with KB47 (near Hermitage Lane)	Footpath	PROW/MA/C355	06/09/2013	Awaiting investigation		
356	East	Sheerness	TQ 9303 7346 to 9378 7324 & 9415 7295		Claimed Public Footpath from Power Station Road to ZS1 and Scrapsgate Road at Minster-on-Sea	Footpath	PROW/SW/C356	23/12/2013	Awaiting investigation		
357	East	Faversham	TR 0172 6188 to TR 0176 6202		Claimed Public Footpath running from Crab island to Upper Brents	Footpath	PROW/SW/C357	24/12/2013	Awaiting investigation		

358	East	Tunstall	TQ 9008 6195 to TQ 89926162		Claimed Public Footpath running from the Tunstall Road by the electricity sub station to its connection with the existing Public Footpath leading to the church (ZU37)	Footpath	PROW/SW/C358	03/01/2014	Awaiting investigation		
359	East	Etchinghill, Folkestone	TR 1696 3958 to TR 1719 3924		Claimed Public Footpath from Teddars Leas Road through Lince Woods to the disused railway	Footpath	PROW/SH/C359	10/03/2014	Awaiting investigation		
360	East	Sturry			Three claimed public footpaths running from a) Hawe Lane, to junction of Hawe Lane with Babs Oak Hill, b) Junction of Hawe Lane/Babs Oak Hill to path C and from c) Chestnut Drive to junctions with path B, St Nicholas Close and Hawe Lane	Footpath	PROW/CC/C360	08/05/2014	Awaiting investigation		
361	West	Sevenoaks	TQ 5210 5574 to TQ 5203 5569		Claimed Public Footpath from Bosville Road, to Morewood Close via the "Morewood Arch"	Footpath	PROW/SE/C361	08/07/2014	Awaiting investigation		
362	East	Folkestone	TR 2385 3700 to TR 2400 3712		Claimed Public Footpath from Warren Way at the south western corner of the playing field to Public Footpath HF4 in the north eastern corner of the playing field.	Footpath	PROW/SH/C362	13/08/2014	Awaiting investigation		
363	East	Bridge & Bishopsbourne	TR 1836 5403 to TR 1879 5359	CB285 & CB296	Claimed amendment to Public Footpaths CB285 (part) and CB296 at Bridge & Bishopsbourne	Footpath	PROW/CC/C363	15/08/2014	Awaiting investigation		

Register of applications under the Highways Act 1980

Year 2006

For further information please call 03000 411101

Last updated 20/08/2014



Ref. No.	Details				Status (the stage the application has reached)	Confirmation		Case Officer
	Path No	Parish	Description	Date Received		Withdrawn	Completed	
1244	AE451	Aldington	Extinguishment	27/02/2006	Order confirmed (SoS)		Complete	Laura Wilkins
1245	WC42	Cranbrook	Diversion	02/03/2006			Complete	Maria McLauchlan
1246	HE356	Postling	Diversion	07/03/2006			Complete	Laura Wilkins
1247	KM164	Hunton	Diversion	21/03/2006			Complete	Maria McLauchlan
1248	CW52	Whitstable	Diversion	21/03/2006		Withdrawn	Complete	
1249	KH405	Lenham	Diversion	05/04/2006			Complete	Sonia Coventry
1250	WC297, WC302	Sandhurst	Diversion	12/04/2006	Order Declined		Complete	Sonia Coventry
1251	WT295, WT293, WT294	Brenchley & Matfield	Diversion	23/05/2006	Order Confirmed (SoS)		Complete	Sonia Coventry
1252	AE450, AE452	Aldington	Diversion	24/05/2006	Order confirmed (SoS)		Complete	Laura Wilkins
1253	SR524	Hever	Diversion	05/06/2006	Order confirmed		Complete	Sonia Coventry
1254	HE276B	Saltwood	Extinguishment	22/06/2006	Order Confirmed (SoS)		Complete	Sonia Coventry
1255	AW170	Hothfield	Diversion	21/07/2006	Inspector declined to Confirm		Complete	Sonia Coventry
1256	WC37	Gouldhurst	Diversion	01/08/2006	Order made & confirmed		Complete	Sonia Coventry
1257	KH245	Leeds	Diversion	08/08/2006	Order made & confirmed		Complete	Laura Wilkins
1258	MT2	Hildenborough	Diversion	07/09/2006	Order made & confirmed		Complete	Stewart Biggs
1259	MR493	Aylesford	Extinguishment & Ceation	10/10/2006	Order declined		Complete	Sonia Coventry
1259	MR493	Aylesford	Diversion		Order Declined		Complete	Sonia Coventry
1260	MT50	Shipbourne	Diversion	10/10/2006	Order made & confirmed		Complete	Stewart Biggs
1261	AW156	Pluckley	Diversion	24/08/2006	Order made & confirmed		Complete	Stewart Biggs
1262	AT205	Woodchurch	Diversion	17/11/2006	Order made & confirmed		Complete	Maria McLauchlan
1263	CB421	Petham	Diversion	04/12/2006	Order made & confirmed		Complete	Laura Wilkins
1264	AW148	Pluckley	Diversion	03/10/2005		28/08/2006	Complete	
1106	KH402	Lenham	Diversion	21/06/2002	Order made & confirmed		Complete	Laura Wilkins
1265	ZU29	Sittingbourne	Diversion		Order made & confirmed		Complete	Melanie McNeir

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Ref. No.	Details				Confirmation		Case Officer	
	Path No	Parish	Description	Date Received	Status (the stage the application has reached)	Withdrawn		Completed
1266	CC16	Canterbury	S116 Extinguishment	01/02/2007	Declined to make Order		Complete	Sonia Coventry / Chris Wade
1267	MR44	Snodland	Diversion & extinguishment	01/02/2007	Resolved by a Definitive Map Modification Order		Complete	Maria McLauchlan
1268	MR178	Offham	Diversion & extinguishment	02/03/2007	Order made & confirmed		Complete	Maria McLauchlan
1269	ZR105	Bobbing	Creation & extinguishment	02/04/2007	Order made and confirmed		Complete	Maria McLauchlan
1270	CB177	Ickham & Well	Diversion	17/04/2007	Order made & confirmed		Complete	Maria McLauchlan
1271	WC75	Sissinghurst	TCPA Diversion	20/04/2007		Withdrawn	Complete	
1272	CC18	Canterbury	Diversion	02/05/2007	Awaiting new updated application	Withdrawn	Complete	Laura Wilkins
1273	AW200A	Bethersden	Diversion	02/05/2007	Order made & confirmed		Complete	Maria McLauchlan
1274	AW217	Great Chart	Diversion	02/05/2007	Withdrawn	Withdrawn	Complete	
1275	SD246	Ash-cum-Ridley	Diversion	02/05/2007	Order Made & Confirmed		Complete	Matthew Garvey
1276	NS229A	Luddesdown	Extinguishment & Creation	24/05/2007	Declined to make Order		Complete	Matthew Garvey
1277	SU49	Sevenoaks	Diversion		Order made & confirmed		Complete	Maria McLauchlan
1278	AW5	Benenden	Diversion		Order made & confirmed		Complete	Laura Wilkins
1279	ZR219	Doddington	Diversion		Order made & confirmed		Complete	Laura Wilkins
1280	MR421	Ightham	Diversion	25/06/2007	Order made & confirmed		Complete	Matthew Garvey
1281	ZR449	Stalisfield	Diversion	26/06/2007	Order made & confirmed		Complete	Sonia Coventry
1281a	ZR420, ZR424	Throwley	Diversion	22/07/2007	Order made & confirmed		Complete	Laura Wilkins
1282	EE149	Preston	Diversion	21/06/2007		Withdrawn	Complete	Maria McLauchlan
1283	TM42	Westgate-on-Sea	Diversion	08/08/2007	Order made & confirmed		Complete	Sonia Coventry
1284	MT114	Hadlow	Diversion	01/08/2007	Declined to make Order		Complete	Maria McLauchlan
1285	TE33	Minster	Diversion	12/09/2007	Order made & confirmed		Complete	Laura Wilkins
1286	CH62	Reculver	Diversion & extinguishment	05/09/2007		Withdrawn	Complete	
1287	SU3	Sevenoaks	Diversion	12/09/2007	Declined to make Order		Complete	Sonia Coventry

1288	ZR32	Upchurch	Diversion		Determination at Hearing 25/09/2012		Complete	Maria McLauchlan
1289	MR502	Wateringbury	Diversion		Order made			Maria McLauchlan
1290	MR108, MR488	Ditton	Diversion	24/09/2007	MR108-Order made & confirmed MR108 (Oaken Wood) - Declined to make Order for part		Complete	Matthew Garvey
1291	KM290	Staplehurst	Diversion	23/10/2007	Order made & confirmed		Complete	Matthew Garvey

Register of current applications under the Highways Act 1980

Year 2008

For further information please call 03000 411101

Last updated 20/08/2014



Ref. No.	Details				Status <i>(the stage the application has reached)</i>	Confirmation		Case Officer
	Path No	Parish	Description	Date Received		Withdrawn	Completed	
1292	ZU47	Milton Regis, Sittingbourne	Extinguishment	19/02/2008	Confirmed by Secretary of State		Complete	Matthew Garvey
1293	MR350	Plaxtol	Diversion	21/02/2008	Order made & Confirmed		Complete	Sonia Coventry
1293	MR392	Shipbourne	Diversions	21/02/2008	Inspector declined to Confirm Order		Complete	Sonia Coventry
1294	ZR439	Throwley	Diversion	28/02/2008		Withdrawn	Complete	Matthew Garvey
1295	MR430	Ivy Hatch	Diversion	28/02/2008	Rejected		Complete	
1296	HE74	Elham	Diversion	29/04/2008	Order made & Confirmed		Complete	Colin Finch & Sonia Coventry
1297	NS185	Cobham	Diversion	01/05/2008	Order made & confirmed		Complete	Sonia Coventry
1298	MU3	Tonbridge	Diversion		Order made & confirmed		Complete	Maria McLauchlan
1299	TRX3	Ramsgate	Diversion		Order made & Confirmed		Complete	Maria McLauchlan
1300	KM43, KM42	East Farleigh	Diversion		Order made, objection received - submitted to Secretary of State for determination - to be determined by Written Representations			Chris Wade
1301	TE9	St Nicolas at Wade	Diversion				Complete	Colin Finch
1302	CW52	Whitstable	Diversion		Order made, confirmed & certified		Complete	Laura Wilkins
1303	AE282	Brabourne	Diversion	16/06/2008	Order made & Confirmed		Complete	Sonia Coventry
1304	KB17	Maidstone	Diversion	17/06/2008	Order made & Confirmed		Complete	Sonia Coventry
1305	MR235	Wrotham	Extinguishment	30/07/2008	Order recinded		Complete	Sonia Coventry
1306	AW136	Westwell	Diversion	31/07/2008	Order made & Confirmed		Complete	Sonia Coventry
1307	MR81	Birling	Diversion	13/08/2008	Order made & Confirmed		Complete	Sonia Coventry
1308	CB86	Sturry	Diversion	26/08/2008	Order made & Confirmed		Complete	Maria McLauchlan
1309	ZR193	Tonge	Diversion	01/09/2008	Submitted to SoS for determination - Order Confirmed		Complete	Matthew Garvey
1310	KB28	Maidstone	Diversion	10/12/2008	Order made & Confirmed		Complete	Matthew Garvey
1311	WC138	Cranbrook	Diversion	19/12/2008	Order made & confirmed		Complete	Matthew Garvey

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Year 2009

For further information please call 03000 411101

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Details					Confirmation			
Ref. No.	Path No	Parish	Description	Date Received	Status <i>(the stage the application has reached)</i>	Withdrawn	Completed	Case Officer
1312	WT297, WT299	Brenchley	Diversion	02/01/2009	Order made & confirmed		Complete	Maria McLauchlan
1313	SR396	Westerham	Diversion	30/01/2009	Order made & confirmed		Complete	Maria McLauchlan
1314	SR442	Penshurst	Diversion	16/02/2009		Withdrawn	Complete	
1315	AE515	Ruckinge & Bilsington	Diversion	09/03/2009	Order Made & Confirmed		Complete	Matt Garvey
1316	CB15	Blean	Diversion	01/04/2009	Order Made & Confirmed		Complete	Maria McLauchlan
1316A	KH49	Bredhurst	Diversion		Order Made & Confirmed		Complete	Maria McLauchlan
1317	WC5A	Goudhurst	Diversion	07/04/2009	Order Made & Confirmed		Complete	Maria McLauchlan
1318	KM119	Boughton Monchelsea	Diversion	23/04/2009	Order Made & Confirmed		Complete	Laura Wilkins
1319	HM29	Brooklands	Extinguishment	29/04/2009	Order made			Laura Wilkins
1320	CW15	Whitstable	Diversion	30/04/2009		Withdrawn	Complete	Matt Garvey
1321	MR184, MR177	Trottiscliffe	TCPA Diversion	02/07/2009	Order made, confirmed & certified		Complete	Sonia Coventry
1322	AU58A	Ashford	Extinguishment	16/07/2009	Order Made & Confirmed		Complete	Matt Garvey
1323	CB442, CB432	Petham	Diversion	23/07/2009	Order Made & Confirmed		Complete	Matt Garvey
1324	EE255	Eastry	Diversion	03/08/2009	Declined to submit Order to SoS		Complete	Matt Garvey / Sonia Coventry
1325	AW226, AW226A	Kingsnorth	Extinguishment & Creation	08/09/2009	Report - waiting for road to be adopted before making Order			Laura Wilkins
1326	WC174	Hawkhurst	Diversion	08/09/2009	Order Made & Confirmed		Complete	Laura Wilkins

1327	TE462	Minster, Thanet	Diversion	14/09/2009	Order made & confirmed		Complete	Maria McLauchlan
1328	AW150	Pluckley	Diversion	14/10/2009	Order made & confirmed		Complete	Laura Wilkins
1329	CB151A	Littlebourne	Diversion	14/10/2009	Orders made and confirmed		Complete	Laura Wilkins
1330	KH555A	Chart Sutton	Diversion	14/10/2009	Order Made & Confirmed		Complete	Matt Garvey / Laura Wilkins
1331	AW318	Kingsnorth	Creation Order	01/08/2007	Declined	Withdrawn	Complete	Chris Wade
1332IP	HM4, HM117, HM115, HL27, HL15, HL14	Lydd	Diversion, Creation, Upgrade, Extinguishment	01/10/2009	Order made & confirmed		Complete	Matthew Garvey
1333	ZR24	Upchurch	Diversion	14/12/2009	Order made, objections received, Public Hearing to be held on 15th April 2014 - Order not confirmed		Complete	Maria McLauchlan
1334	MR251	Borough Green & Wrotham	TCPA Diversion	22/12/2009	Order made, confirmed & certified		Complete	Matthew Garvey

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Year 2010

For further information please call 03000 411101

Last updated 20/08/2014



Ref. No.	Details				Status <i>(the stage the application has reached)</i>	Confirmation		Case Officer
	Path No	Parish	Description	Date Received		Withdrawn	Completed	
1335	WC256	Frittenden	TCPA Diversion	25/02/2010	Order made, confirmed & certified		Complete	Laura Wilkins
1336	KM318	Staplehurst	Diversion		At report stage			Laura Wilkins
1274	AW217	Great Chart	Diversion	12/03/2010	Order made, no objections received			Melanie McNeir
1337	CC57	Canterbury	Diversion	12/04/2010		Withdrawn	Complete	
	KM21	West Farleigh	Diversion	22/04/2010	Application declined	Apr-10	Complete	
1338	WT347	Horsmonden	Diversion	19/03/2010	Order made and confirmed		Complete	Maria McLauchlan
1339	KH210	Hollingbourne	Diversion	27/04/2010	Order made & Confirmed		Complete	Sonia Coventry
1340	ZR350	Newnham	Diversion		Order made and confirmed		Complete	Laura Wilkins
1341	CC17	Canterbury	Diversion	10/06/2010	Order made & Confirmed		Complete	Laura Wilkins
1342IP	ZS45, ZS53, ZS52, ZS38	Leysdown	Diversion		Orders made & Confirmed		Complete	Colin Finch
1343	CB225, CB225A	Adisham & Barham	Extinguishment		Order made and confirmed		Complete	Laura Wilkins
1344	AE110	Wye	Extinguishment	07/07/2010	Order made, objections received, submitted to the Secretary of State for determination - Order confirmed		Complete	Maria McLauchlan
1345IP	EE351	Eythorne	Extinguishment and Create by Order		Orders made & Confirmed		Complete	Matt Garvey
1346	MU12	Tonbridge	Extinguishment	12/08/2010	Order made and confirmed		Complete	Maria McLauchlan

1347IP	TR31	Manston	Diversion	12/08/2010	Declined to make Order		Complete	Maria McLauchlan
1348	AW170	Hothfield	Diversion	24/09/2010	Order made & confirmed		Complete	Sonia Coventry
1349	KH541, KH544, KH542	East Sutton	Diversion & Extinguishment	30/08/2010	Order made and confirmed		Complete	Olivia Bonham
1350	AW149	Pluckley	Diversion	21/09/2010	Order made and confirmed		Complete	Maria McLauchlan
1351	SR371	Crockham Hill	Div	11/11/2010	Order made & confirmed		Complete	Olivia Bonham
1352	MR52, MR24	Burham	Div & Ext		Order made & confirmed		Complete	Laura Wilkins
1353	ZR432	Throwley	Div	22/11/2010	Order made, objections received, submitted to the Secretary of State for determination - Order confirmed		Complete	Maria McLauchlan
1354	MR556	East Peckham	Div	24/11/2010	Order made and confirmed		Complete	Maria McLauchlan

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Year 2011

For further information please call 03000 411101

Last updated 20/08/2014



Ref. No.	Details				Status <i>(the stage the application has reached)</i>	Confirmation		Case Officer
	Path No	Parish	Description	Date Received		Withdrawn	Completed	
1355	AW161	Charing	Diversion	07/03/2011	Order made, no objections received			Melanie McNeir
1356	KH549	Chart Sutton	Diversion	11/03/2011	Order made, no objections received			Melanie McNeir
1357	AW366	Charing	Diversion	24/02/2011	Order made and confirmed		Complete	Sonia Coventry
1358	Newington Library	Newington (Ramsgate)	TCPA diversion	18/05/2011	Order made and confirmed - awaiting certification			Maria McLauchlan
1359	AW35, AW36, AW37	Charing	Diversion	13/05/2011	Orders made & Confirmed		Complete	Laura Wilkins
1360	AW65	Egerton	Diversion		Order made and confirmed		Complete	Maria McLauchlan
1361	ZR691	Newington (Swale)	Extinguishment & Creation		Orders made & Confirmed		Complete	Laura Wilkins
1362	SR674	Cowden	Diversion	27/05/2011	Order made, no objections received			Melanie McNeir
1363	TB3	Broadstairs	Diversion	08/06/2011	Order made and confirmed - awaiting certification			Melanie McNeir
1364	CB386	Petham	Div	13/06/2011	Order made & confirmed		Complete	Maria McLauchlan
1365	WC77A	Cranbrook	Div	27/06/2011	Order made & confirmed		Complete	Maria McLauchlan
1366	WT265	Paddock Wood	Diversion	12/08/2011	Order made & confirmed		Complete	Laura Wilkins
1367	MR176	Offham	Diversion	11/08/2011	Order made			Maria McLauchlan
1368	EE281	Nonington	Diversion	08/09/2011	Allocated			Kate Beswick

					Order made, objections received - Order confirmed following Public Hearing			
1369	KH125	Hollingbourne	Diversion	22/09/2011			Complete	Chris Wade
1370	KH328	Ulcombe	Diversion	30/09/2011	Allocated			Maria McLauchlan
1371	MT42	Hildenborough	Diversion	30/09/2011		Withdrawn	Complete	
1372	MR168, MR171	Addington	Diversion & Extinguishment	07/10/2011	Order made and confirmed		Complete	Melanie McNeir
1374	DB22	Dartford	Extinguishment		Order made & Confirmed		Complete	
1375	AE294, AE278	Brabourne	Diversion & Extinguishment	01/06/2011	Orders made, Confirmed & certified		Complete	Laura Wilkins
1376	AW149	Pluckley	Diversion	16/11/2011	Order made & confirmed		Complete	Laura Wilkins
1377	MR530, MR534, MR434A	East Peckham	Div	21/11/2011	Allocated			Kate Beswick
1378	KM275	Marden	Ext & Creation	05/12/2011	Allocated			Maria McLauchlan
1379	AE27	Chilham	Div		At consultation			Melanie McNeir

Register of current applications under the Highways Act 1980

Year 2012

For further information please call 03000 411101

Last updated 20/08/2014



Ref. No.	Details				Status <i>(the stage the application has reached)</i>	Confirmation		Case Officer
	Path No	Parish	Description	Date Received		Withdrawn	Completed	
1380	EE153A	Preston	Diversion	16/01/2012	Order made & confirmed		Complete	Melvyn Twycross
1381	KH130	Hollingbourne	Diversion	16/01/2012	Order made, objections received - Order confirmed following Public Hearing		Complete	Chris Wade
1382 IP	AE51, AE55, AE18	Gobmersham & Chilham	Diversion, Extinguishment & creation	14/02/2012	Orders made and confirmed		Complete	Colin Finch
1383	KH556	Chart Sutton	Diversion	31/01/2012	Order made and confirmed		Complete	Melanie McNeir
1384	MR473	Aylesford	Diversion	31/01/2012		Withdrawn	Complete	Maria McLauchlan
1385 IP	TE8A, TE9	St Nicholas at Wade	Diversion, Extinguishment & creation	01/03/2012	Order made, no objections received			Olivia Bonham
1386	ZU48, ZU48A	Bobbing	Diversion, extinguishment	05/03/2012	Order made			Maria McLauchlan
1387	KH400	Lenham	Diversion	08/03/2012	Order made and confirmed			Chris Wade
1388	KH125	Thurnham & Hollingbourne	Diversion		Order made, objections received - Order confirmed following Public Hearing		Complete	Chris Wade
1389	HM66	Brenzett	Diversion	08/03/2012	Order made and confirmed			Chris Wade
1391	SR511	Sundridge with Ide Hill	Diversion	10/04/2012	Order made and confirmed			Chris Wade
1392	WT203	Capel	Diversion	23/04/2012	Allocated			Maria McLauchlan
1393	AW15, AW15A, AW15B	Charing	Div & ext		Order made & confirmed		Complete	Sonia Coventry

1394	AW176	Smarden	Diversion	25/04/2012	Allocated			Maria McLauchlan
1395	HE209	Hawkinge	Diversion	14/05/2012	Allocated			Chris Wade
1396	AB11	Tenterden	Diversion	21/05/2012	Allocated			Chris Wade
1397	CC18	Canterbury	Diversion		Allocated			Melanie McNeir
1399	ZF5	Faversham	Diversion	29/06/2012	Declined to make Order		Complete	Sonia Coventry
1400	ZR252	Teynham	Diversion	26/06/2012		Withdrawn	Complete	Maria McLauchlan
1401	CB461	Chartham	Diversion	11/07/2012	Allocated			Melanie McNeir
1402	HM81, HM52	Brenzett & Snargate	Diversion	20/07/2012	Allocated			Chris Wade
1403	WC21	Goudhurst	Diversion		Order made & confirmed		Complete	Sonia Coventry
1404	ZF5	Faversham	Creation Order, Extinguishment		Orders made, objections received, Public Inquiry held on 20 May 2014 - Orders not confirmed		Complete	Laura Wilkins
1405	KH590, KH591	Headcorn	Diversion	02/08/2012	Awaiting allocation			
1406	AW99	Egerton	Diversion		Awaiting allocation			
1407	KM318	Staplehurst	Diversion	03/09/2012	Awaiting allocation			
1408	SD271	West Kingsdown	Diversion	08/10/2012	Awaiting allocation			
1409	AW158	Charing	Extinguishment		Awaiting allocation			
1410	AE436	Aldington	Diversion	27/11/2012	Awaiting allocation			
1411	ER183, ER183A	Alkham	Diversion & Extinguishment	20/12/2013	Awaiting allocation			

Register of current applications under the Highways Act 1980

Year 2013

For further information please call 03000 411101

Last updated 20/08/2014



Ref. No.	Details				Status <i>(the stage the application has reached)</i>	Confirmation		Case Officer
	Path No	Parish	Description	Date Received		Withdrawn	Completed	
1412	WT95	Speldhurst	Diversion	14/01/2013	Under consultation			Laura Wilkins
1413	KM4	Teston	Diversion	25/01/2013	Order made & confirmed		Complete	Olivia Bonham
1414	WT347	Horsmonden	Diversion	18/01/2013	Awaiting allocation			
1415	AT39	Rolvenden	Diversion	12/02/2013	Awaiting allocation			
1416	WC325, WC326, WC327	Benenden	TCPA Diversion	19/02/2013	Under consultation			Maria McLauchlan
1417	TE8A, TE9	St Nicholas at Wade	Diversion		Order made, no objections received			Olivia Bonham
1418	SR672	Cowden	Diversion	14/02/2013	Awaiting allocation			
1419	KM203	Yalding	Diversion	26/03/2013	Awaiting allocation			
1420	MR228	Wrotham	Diversion	26/03/2013	Awaiting allocation			
1421 IP	AW222, AW298	Kingsnorth	Diversion	22/04/2013	Order made and confirmed		Complete	Colin Finch
1422	SD257	Ash cum Ridley	Diversion	29/04/2013	Linked with a TCPA application	Withdrawn	Complete	Laura Wilkins
1423	MR230	Ightham	Div	02/05/2013	Awaiting allocation			
1424	SR338A	Westerham	Div	16/05/2013		Withdrawn	Complete	
1425	SD252	Ash-cum-Ridley	Div	24/06/2013	Awaiting allocation			
1426	AE76	Crundale	Div	28/06/2013	Awaiting allocation			
1427	WT228	Pembury	Div	01/07/2013	Awaiting allocation			
1428	KM84	Bearsted	Div	09/07/2013	Awaiting allocation			
1429	DB50	Dartford	Ext	29/07/2013	Linked with a TCPA application - Order made & confirmed		Complete	Laura Wilkins
1430 IP	DR1	Stone	Div	15/08/2013	Order made			Colin Finch
1431	MR474	Aylesford	Div	06/09/2013	Awaiting allocation			
1432	CB422	Petham	Div	02/10/2013	Awaiting allocation			
1433	KH636	Thurnham	Div	11/09/2013	Awaiting allocation			
1434	ER80, ER81	Shepherdswell with Coldred	Div & Ext	15/10/2013	Awaiting allocation			
1435	AT164	High Halden	Div	21/10/2013	Awaiting allocation			

1436E	HE122, HE124, HE125	Acrise	Div & Ext	28/10/2013	Awaiting allocation			
1437 IP	AU22, AE328, AE124	Ashford & Wye	Div & Ext	22/11/2013	Orders made & confirmed		Complete	Colin Finch
1438 IP	AE667/AU105	Wye	Creation	22/11/2013	Order made & confirmed		Complete	Colin Finch
1439	MR143A	West Malling	Div	11/12/2013	Awaiting allocation			

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Year 2014

For further information please call 03000 411101

Last updated 20/08/2014



Ref. No.	Details				Status <i>(the stage the application has reached)</i>	Confirmation		Case Officer
	Path No	Parish	Description	Date Received		Withdrawn	Completed	
1440	CB338	Bekesbourne	Div	13/01/2014	Awaiting allocation			
1441	ZS42	Leysdown	Div	27/01/2014	Awaiting allocation			
1442	HE156	Stowting	Div	12/02/2014	Awaiting allocation			
1443	MR418	Ightham	Div	25/03/2014	Awaiting allocation			
1444	KM260	Marden	Div	31/03/2014	Awaiting allocation			
1445	SR510	Chiddingstone	Div	02/04/2014	Awaiting allocation			
1446	KH414B	Lenham	Div	12/04/2014	Awaiting allocation			
1447	ZF1 & ZF5	Faversham	Div, Creation & Ext	22/05/2014	Awaiting allocation			
1448	SR528	Chiddingstone	Div	17/06/2014	Awaiting allocation			
1449	ZR634	Boughton-under-Blean	Div	23/06/2014	Awaiting allocation			
1450	WC357	Benenden	Div	01/07/2014	Awaiting allocation			
1451	CW11	St Cosmus & St Damien in the Blean	Div	03/07/2014	Awaiting allocation			
1452	DR29, DR44, Dr46 & DR47	Darenth	Div	21/07/2014	Awaiting allocation			
1453	EE209, EE210 & EE210A	Woodnesborough	Div & ext	21/07/2014	Awaiting allocation			
1454	SR190	Chevening	Div	28/07/2014	Awaiting allocation			
1455	MR14	Aylesford	Div	04/08/2014	Awaiting allocation			

Register of current applications under the Town and Country Planning Act 1990
by Kent County Council on behalf of District and Borough Councils
For further information please call 03000 411101
Last updated 20/08/2014



Ref. No.	Details					Confirmation			
	Path No	Borough	Parish	Description	Date Received	Status (the stage the application has reached)	Withdrawn	Completed	Case Officer
1	AE210	Ashford	Boughton Aluph	Diversion	12/08/2010	Order made, confirmed & certified		Complete	Sonia Coventry
2	AW150A	Ashford	Pluckley	Diversion	23/08/2010	Orders made, confirmed & certified		Complete	Sonia Coventry
3	AE345, AE647, AE648, AW296	Ashford	Sevington & Kingsnorth	Diversion, creation, stopping-up	22/09/2010	Order made and confirmed - awaiting certification			Melanie McNeir
4	AE278, AE294	Ashford	Brabourne	Diversions	01/06/2011	Order made, confirmed & certified		Complete	Laura Wilkins
5	AU33	Ashford	Sevinginton	TCPA	15/09/2011	Order made, confirmed & certified		Complete	Kate Beswick
6	AW306A, AW325	Ashford	Kingsnorth	TCPA	01/09/2011	Order made and confirmed - awaiting certification			Melanie McNeir
7	WC66	Tunbridge Wells	Goudhurst	TCPA	12/12/2011	Awaiting response from landowners			
8	WC21	Tunbridge Wells	Goudhurst	TCPA	12/12/2011		Withdrawn (Now KCC HA div)	Complete	Sonia Coventry
9	DS1, DS39, DS3	Dartford	Swanscombe & Greenhithe	TCPA		On hold			Melanie McNeir
10	AW35	Ashford	Charing	TCPA	16/03/2012	Order made, confirmed & certified		Complete	Kate Beswick
11	ZR189	Swale	Tonge	TCPA	28/04/2012	Order made and confirmed		Complete	Kate Beswick
12	Love Lane	Swale	Faversham	TCPA	11/07/2012	Order made & confirmed		Complete	Laura Wilkins
13	MR221A	TMBC	Stansted	TCPA Diversion	29/04/2013	Order made, no objections received			Laura Wilkins
14	AT268	Ashford	Woodchurch	TCPA	20/05/2013	Allocated			Maria McLauchlan
15	WC20	Tunbridge Wells	Goudhurst	TCPA	26/07/2013	Order made & confirmed		Complete	Melanie McNeir
16	DB3	Dartford	Dartford	TCPA	29/07/2013	Order made, confirmed & certified		Complete	Laura Wilkins
17	ZR105	Swale	Bobbing	TCPA	30/04/2014	At consultation			Kate Beswick
18	Manse Field	Ashford	Brabourne	TCPA	19/05/2014	At consultation			Melanie McNeir
19	MU21	Tonbridge & Malling	Tonbridge	TCPA	12/05/2014	At report stage			Melanie McNeir
20	AE117	Ashford	Wye	TCPA	15/07/2014	Allocated			Kate Beswick

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Update from the Commons Registration Team

A report by the Head of Regulatory Services to Kent County Council's Regulation Committee on Tuesday 3rd September 2014.

Recommendation:

I recommend that Members consider this report and note its content

Progress with Village Green applications

1. Members have requested that a summary of the current position of applications to register Town and Village Greens be provided at meetings of the Regulation Committee. A copy of the Schedule of Village Green applications is therefore attached at **Appendix A**.
2. Since the last meeting, two Member Panel meetings have taken place resulting in final decisions on three applications, one of which resulted in the registration of a new Village Green. Members will note that that that decision is the subject of an appeal (see below).
3. Also since the last meeting, two Public Inquiries have been held into applications at Goudhurst and Ripple. The Inspector's reports are awaited in respect of these cases and, once they have been received, the matters will be referred back to a Member Panel for final decision. A further Public Inquiry is being arranged for the Chaucer Fields at Canterbury application and this is likely to be held either later this year or early in 2015.
4. There are currently eight applications awaiting determination. No new applications have been received since the last Committee meeting.

Village Green VG277 at Westgate

5. On 3rd June 2014, the Member Panel considered an application to register land at Ursuline Drive at Westgate-on-Sea as a new Village Green. Due to an objection received from the landowner (King Ethelbert School) at the consultation stage, a Public Inquiry had been held in November 2013, at which an independent Barrister appointed by the County Council ("the Inspector") heard evidence both in support of and in opposition to the application. The Inspector had subsequently prepared a report setting out her findings and had recommended that, on the basis that it appeared that all of the relevant legal tests had been met, the County Council should register the land as a Village Green. That recommendation was approved by Members and, accordingly, the land was entered onto the County Council's Register of Village Greens (with the reference number VG255).
6. On 15th July 2014, the County Council received notification that the landowner was making an application to the High Court seeking permission for a Judicial Review of the decision to register the land as a Village Green. The permission application for Judicial Review was made on the basis that the County Council erred in law in respect of the test to be applied in respect of the 'neighbourhood'. The landowner's position is that the neighbourhood relied upon by the applicant (and accepted by the Inspector) was not a qualifying neighbourhood for the purposes of Village Green registration. The landowner further submits that the applicant failed to demonstrate that there was a sufficient 'spread' of users throughout the qualifying neighbourhood.
7. The County Council has sought further legal advice and, on the basis of this advice, is defending the decision to register the land. Accordingly, the Council's Grounds of Defence were lodged with the High Court on 5th August 2014. A decision is now awaited from the High Court as to whether or not permission to appeal will be granted. If permission to

appeal the decision is granted, a full hearing is likely to be held in the High Court later this year or early next year. Members will of course be kept updated on progress.

Recent case law

8. On 21st May 2014, the Supreme Court handed down its judgement in the case of *R (Barkas) v North Yorkshire County Council* [2014] UKSC 31 (“the Barkas case”). The Barkas case concerned a Village Green application for an area of land known as Helredale Playing Field in Whitby, which had been acquired by the local Council and maintained as a recreation ground. The key issue in this case was whether, where land has been specifically provided by a local authority for recreational purposes, use of that land is considered to be ‘as of right’ for the purposes of Village Green registration.
9. The Supreme Court decided unanimously that where land is provided by a local authority for the purposes of public recreation the ‘obvious and natural’ conclusion is that members of the public using the land do so by virtue of an existing public right to do so and, as such, they cannot be regarded as trespassers and their use of the land is not ‘as for right’.
10. Lord Neuberger, delivering the leading judgement, concluded that¹:

“so long as land is held under a provision such as section 12(1) of the [Housing Act 1985], it appears to me that members of the public have a statutory right to use the land for recreational purposes, and therefore use the land ‘by right’ and not as trespassers, so that no question of user ‘as of right’ can arise. In Sunningwell at pp 352H-353A, Lord Hoffman indicated that whether user was ‘as of right’ should be judged by “how the matter would have appeared to the owner of the land”, a question which must, I should add, be assessed objectively. In the present case, it is, I think, plain that a reasonable local authority in the position of the Council would have regarded the presence of members of the public on the Field, walking with or without dogs, taking part in sports, or letting their children play, as being pursuant to their statutory right to be on the land and to use it for these activities, given that the field was being held and maintained by the Council for public recreation pursuant to section 12(1) of the 1985 Act and its statutory predecessors.

...

I agree with Lord Carnwarth that, where the owner of the land is a local, or other public, authority which has lawfully allocated the land for public use (whether for a limited period or an indefinite period), it is impossible to see how, at least in the absence of unusual additional facts, it could be appropriate to infer that members of the public have been using the land ‘as of right’ simply because the authority has not objected to their using the land. It seems very unlikely that, in such a case, the legislature could have intended that such land would become a village green after the public had used it for twenty years. It would not merely be understandable why the local authority had not objected to the public use: it would be positively inconsistent with their allocation decision if they had done so. The position is very different to that of a private owner, with no legal duty and no statutory power to allocate land for public use, with no ability to allocate land as a village green, and who would be expected to protect his or her legal rights”.
11. This case law has already been applied by the Member Panel in respect of the recent decision on the application to register Kingsmead Field at Canterbury as a Village Green.
12. Two further cases of interest are due to be heard in the Courts later this year; the Supreme Court will be hearing the final appeal in the Newhaven Beach case in November (which deals with the issue of incompatibility of statutory functions and Village Green registration) and the Long Live South Bank case (which deals with the issue of whether planning permission that does prevent recreational use is sufficient to prevent a Village Green application) is due to be heard by the High Court this month.

¹ At paragraphs 21 and 24 of the judgement

13. Members will be provided with an update as to the outcome of these cases at the next Committee meeting.

Commons Act 2006 – implementation update

14. DEFRA has advised that the current Commons Registration (England) Regulations 2008 will be revoked within the next few months in order to provide for the two new authorities (Cumbria and North Yorkshire) that are due to join the pioneer implementation later this year. The new Regulations will be substantially the same, albeit with a few modifications that are intended to improve the current procedures for dealing with applications to amend the registers of Common Land and Village Greens. One such modification will be the removal of the requirement to advertise an application in the local newspaper, in favour of a new duty to advertise the application by way of notices erected on or around the application site.

15. The new Regulations are expected to be published and take effect within the next three months (precise date yet to be confirmed). There will not be any changes to the manner in which the Member Panel currently considers and determines applications.

Recommendation

16. I RECOMMEND that Members consider this report and note its content

Background documents:

Appendix A – Schedule of Village Green applications

Contact Officer:

Melanie McNeir

Public Rights of Way and Commons Registration Officer

Tel: 01622 221628

**APPENDIX A:
Schedule of Village Green applications**

Applications resolved by the Regulation Committee (Member Panel) since last report (13th May 2014)

Description	Parish	Member(s)	Outcome
The Cricket Field	Marden	Mrs. P. Stockell	Rejected
Land at Ursuline Drive	Westgate	Mr. J. Elenor	Accepted and registered as a Village Green (but decision subject to appeal)
Kingsmead Recreation Ground	Canterbury	Mr. G. Gibbens	Rejected

Forthcoming Public Inquiries

Description	Parish	Member(s)	Details
Chaucer Field (at the University of Kent campus)	Canterbury	Mr. G. Gibbens	Details TBC

Outstanding applications to be resolved

Description	Parish	Member(s)	Status
The Downs	Herne Bay	Mr. N. Bond Mr. B. MacDowall	On hold pending Newhaven Beach judgement
The Glebe Field	Goudhurst	Mr. A. King	Awaiting Inspector's report following Public Inquiry
Land at Coldblow Woods	Ripple	Mr. S. Manion	Awaiting Inspector's report following Public Inquiry
Whitstable Beach	Whitstable	Mr. M. Harrison Mr. M. Dance	Under investigation
Recreation Ground	Hildenborough	Mrs. V. Dagger	Under investigation
Land at West Wood	Hildenborough	Mrs. V. Dagger	Under investigation
Land known as the Old Putting Green	Ramsgate	Mr. A. Terry Ms. Z. Wiltshire	Under investigation

Update on Planning Enforcement Issues

Item 7

Report by Head of Planning Applications Group to the Regulation Committee on 2nd September 2014.

Summary: Update for Members on planning enforcement matters.

Recommendation: To endorse the actions taken or contemplated on respective cases.

Local Member: Given by case in Appendices 1 to 3

Unrestricted

Introduction

1. This report provides an update on planning enforcement and monitoring work carried out by the Planning Applications Group since the 13th May 2014 Regulation Committee Meeting.
2. Summary schedules of all current cases have been produced (see Appendices 1, 2 and 3). They cover alleged unauthorised breaches of planning control and those occurring on permitted sites, primarily waste-related. The emphasis is on live and active cases along with those resolved between Meetings. Cases resolved or sufficiently progressed to be removed from our immediate workload, are highlighted in bold.

Report Format

3. The report follows its established format, equipping Members with the essential facts of a series of cases, varying in their degree of complexity and challenge. Summary schedules are attached, with the following sub-divisions:
 - Achievements / successes [including measurable progress on existing sites]
 - New cases, especially those requiring Member endorsement for action
 - Significant on-going cases
 - Other cases / issues of interest and requests by Members
4. Members may wish to have verbal updates at Committee on particular sites from the schedules, (ideally with prior notice) or reports returned to the next Meeting. The report continues to give details of general site monitoring and progress on statutory chargeable monitoring for minerals development.

Meeting Enforcement Objectives

Themes

5. The main themes of this report are flexibility of work style and further integration of services, both inside and outside of the County Council. Internal links within the Environment, Planning and Enforcement Division following recent structural changes include: Village Greens, Public Rights of Way, Community Wardens, Trading Standards and the Gypsy & Travellers Unit. Principal external links are District Planning / Enforcement Officers, Environment Agency Teams and Kent Police.

Office Move

6. The amalgamated Planning Applications Group and Minerals & Waste Planning Policy Team is due to come together physically on 1st September 2014, in a new office layout within Invicta House. This will include hot-desking and remote-working by agreement. To ease the accommodation pressures, the enforcement team (consisting of two people) has volunteered to work in an ultra flexible way, with very little access if any, to fixed desks.

Staffing

7. The current Senior Planning Enforcement Officer will have left by the date of the Meeting. I shall advise on my succession plan at the next Regulation Committee Meeting on 28th January 2015. I wish to complete a full calendar year review of current workloads and the type of cases that are now emerging as we come out of the recession and the economy recovers. In the interim, I am fortunate in having an officer from within the Group's Technical / Administrative Team, who has allied enforcement experience. The service is therefore continuing through an internal transfer of relevant and specialist skills. This arrangement shows the flexibility of the Group in creatively meeting an immediate business need and is illustrative of new ways of working.
8. In addition, it will allow for new networking approaches to be tried (to those existing), linking with the enforcement resources of other regulatory bodies, such as District Council Planning Enforcement Officers, Environment Agency Inspectors / Crime Team officers and Kent Police. This will help to reinforce a continuing trend.

Co-ordinating and Advisory Role

9. Alongside the Group's main workload, I am also continuing to offer advice on a number of district enforcement cases, including Top Bungalow, Cranbrook (Schedule 1, No. 8). A virtual team of the kind envisaged under the previous paragraph is being put together. On this occasion, the case is a very mixed-use site and not within the County Council's remit. However, the same principle of a virtual team approach applies with County Matter cases such as Larkey Wood, Chartham (Schedule 1, No.1) and Nt Rix Scaffolding Ltd, Dover (Schedule 1, No. 5). This supportive and coordinating role, is assuming more importance at a time of staff reductions among interlinking authorities. Virtual teams of this kind allow a pooling of resources and expertise. They are also important as a deterrent, often averting the need for time-consuming and expensive court action.
10. Planning enforcement jurisdiction among some sites remains an issue between County and District Planning Authorities. The complexity of some of the alleged unauthorised activities, serves to reinforce the problem. A guiding principle previously reported and established by case law, is that mixed-use sites fall to the respective District Council to deal with; even those involving some waste element, which of itself would usually be for the County Council to handle. In these sorts of cases we still freely offer technical and procedural advice to our district colleagues (and indeed to our own Gypsy & Traveller colleagues) in order to help them with this work and in the overall interests of the public, local amenity and the environment. We shall periodically seek legal advice from Counsel to ensure that we are abreast of the latest case law on this vexed issue.

Revised Fines for 'Flytipping'

11. Members may have picked-up from the press and other sources that new measures have been introduced to deter fly tipping. The Sentencing Council, a body created by the Coroners and Justice Act 2009 has set new guidelines for magistrates to make greater use of fines for environmental crime from 1st July 2014. Low-level offending can now attract fines of up to £10,000, and those who break the law could serve up to three years in prison. More serious environmental crime and damage typically prosecuted by the Environment Agency may now attract an escalating level of fines up to £3m for companies and £95,000 for individuals.
12. Whilst fly tipping is not a matter for this Committee (except on Highway and other KCC land) these enhanced fines available to Magistrates are a useful tool in sending out the general message that Magistrates Courts will deal more severely with those found guilty of fly tipping and is an indicator as to how the Courts will view all environmental crime in the future.

Case focus

13. Since the last Meeting resources have been focussed on 3 sites where formal enforcement action has been taken, 8 cases where investigations are underway and a further 4 cases that have been satisfactorily progressed.

Achievements / Successes [including measurable progress on sites]

14. Wilson Skips, Wealden Forrest, Herne Common (Schedule 1, No.2), is now in compliance, with the allegedly unauthorised waste handling activity having been re-located.
15. The fly-tipping problem on the river bank next to the Greenbridge Park Gypsy & Travellers Site, Vauxhall Road, Canterbury Planning has been contained (at least for now) by secure fencing.

New Cases, especially those requiring action / Member support

16. Four new County Matter cases have arisen since the last Meeting; they include: Court Wood House, New Barn Road (Schedule 1, No.4); Ovendens, Thornton Lane, Eastry (Schedule 1, No. 1); Ideal Waste Paper and Teardrop Centre, London Road, Farningham (Schedule 2, No. 2).

Significant on-going cases

17. The most significant cases at the moment are at Larkey Wood, Chartham (Schedule 1, No.1) and the related site at Thirwell Farm, Hernehill (Schedule 1, No.7), along with Court Wood House, New Barn Road (Schedule 1, No.4).

Other cases / issues of interest and requests from Members

18. No cases identified on this occasion.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

19. In addition to our general visits to sites as a result of planning application work, we also undertake routine visits to formally monitor them. Since the last Regulation Committee, we have made a further 28 chargeable monitoring visits to mineral and waste sites, yielding a related income to the Group.

Resolved or mainly resolved cases requiring monitoring

20. Alongside the chargeable monitoring regime there is a need to maintain a watching brief on resolved or mainly resolved enforcement cases which have the potential to recur. That accounts for a significant and long-established pattern of high frequency site monitoring.

21. Cases are periodically removed (with Members agreement) to make way for others when the situation on site has been stabilised; restoration has been achieved, a district or Environment Agency (EA) remit confirmed (or with action being a realistic possibility by them). Another occasion is where a planning application would address the various issues and there is the realistic prospect of one being submitted. Cases then go onto a 'reserve' data base, with an in-built monitoring commitment; ready to be returned to the Committee's agenda should further enforcement issues emerge or a positive planning solution becomes available. Among the examples this time are those listed within the Achievements / Success section between paragraphs 14 to 15 of this report.

Conclusion

22. The amalgamated Planning Applications Group and Minerals & Waste Planning Policy Team is soon coming together on one floor, with all other sections of the Environment, Planning and Enforcement Division. The Planning Enforcement Team itself is re-forming and reviewing its workload and approaches to the work. A feature that will always be needed is ever closer ties, both internally and with parallel regulatory bodies such as District Councils, the Environment Agency and Kent Police. Co-ordination and advisory work tends to flow naturally from these connections.

Recommendation

23. I RECOMMEND that MEMBERS NOTE & ENDORSE:

- (i) the actions taken or contemplated on the respective cases set out in paragraphs 5 to 21 above and those contained within Schedules / Appendices 1, 2 and 3.

Case Officers: Robin Gregory & Jasmine Hamid

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Background Documents: see heading

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Active Enforcement Cases

Schedule 1: Contraventions on (part) unauthorised sites

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	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	<p>Canterbury</p> <p>DC3/CA/03/COMP/OO53 Larkey Wood Farm, Chartham</p> <p>(Member: John Simmonds MBE)</p>	<p>Apparent unauthorised waste-related activities on site.</p>	<p>This site is subject to a confirmed Enforcement Notice, prohibiting the importation, stockpiling and storage of waste materials and the presence of a soil- screener on site. The Notice is underwritten by County Court Injunctions and a County Court Control Order, relating to the previous landowner.</p> <p>Compliance was reached with the Enforcement Notice in late 2009, following a staged site-recovery plan.</p>	<p>Further alleged breaches demand full restoration.</p> <p>Having apparently defaulted on his payments, the site has now been repossessed by the mortgage company. They in turn have attempted to sell the land.</p> <p>I would advise Members that any duties towards restoration under the Enforcement Notice, runs with the land.</p>	<p>The mortgage company has been advised to clear the site and return the land to its original state.</p> <p>I continue to seek Members support (on a contingency basis) in the taking of court action in relation to the Enforcement Notice and related injunctions under any part of the controlled area.</p> <p>This case is subject to an Exempt Report under Item 11 of these papers.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
2	KCC/CA/0324/2013 Wilson Skips, Wealden Forest Park, Herne Common (Member: Alan Marsh)	Apparent unauthorised waste storage and handling on site.	To achieve planning compliance through negotiation, including encouragement and advice to re-locate to a more suitable site.	Relocation of the business has now taken place to a larger and more suitable industrial site within Hersden.	I shall now remove this case from these schedules.
3	Dartford KCC/DA/0123/12 LanceBox Ltd Plot 14 Manor Way Business Park, Swanscombe (Member: Peter Harman)	Alleged receipt, storage and processing of construction & demolition waste, including wood waste.	Enforcement action has been held in reserve pending submission of a retrospective planning application. Trading has continued in the meanwhile under tight KCC / EA interim controls.	The planning application has been submitted and is currently being processed.	I would seek Members continued support for the reserving of enforcement action (i.e. an Enforcement Notice / injunction), pending determination of the application, when the situation may be reviewed.
4	KCC/ENF/DA/059/2014 Court Wood House, New Barn Rd, Longfield. (Member: Jeremy Kite MBE)	Unauthorised landraising, pressing onto an adjoining Public Right of Way (PROW)	To ensure that there is no County Matter waste spoil depositing breach and to protect the line of the PROW	The identified spoil is from a subterranean swimming pool development, granted planning permission on appeal. The adjoining spread of material is part of a required landscaping scheme. Dartford BC (DBC) is the relevant planning authority.	I have advised DBC that spot heights on site would assist compliance. PROW will need to enforce the line of the footpath, as a lateral restraint on the scheme. Existing mature trees will also need protecting from the depositing of spoil nearby. I shall keep Members informed.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
5	<p style="text-align: center;">Dover</p> <p>KCC/DO/COMP/2013 Nt Rix Scaffolding Ltd, Astley Avenue, Dover</p> <p>(Members: Pam Brivio & Gordon Cowan)</p>	<p>Importation and depositing of substantial volumes of hardcore in the open countryside.</p> <p>The material was traced to the new demolition arm of Nt Rix Scaffolding.</p>	To exact compliance and planning control.	<p>Compliance has now been achieved and the damaged land has been satisfactorily restored.</p> <p>Some small further stockpiles of material were mentioned by Councillor Cowan at the last Meeting.</p>	<p>Control over these further stockpiles rests with Dover DC and the EA. I shall however assist them on a team basis in ensuring their removal.</p> <p>I shall now remove from these Schedules.</p>
6	<p style="text-align: center;">Swale</p> <p>SW/05/COMP/0016 Woodgers Wharf, Horsham Lane, Upchurch</p> <p>(Member: Mike Baldock)</p>	<p>Unauthorised use of marine wharf for screening and crushing of imported concrete beams and alleged related waste management breaches.</p>	<p>To arrest the alleged breaches and return the site to its lawful wharf-related use.</p> <p>A County Council confirmed Enforcement Notice (EN) requires restoration of the site. With Members endorsement that has turned to an 'on-site' solution i.e. using the beams to help create a hard-surface platform, ready for a beneficial and marine related after-use.</p>	<p>An 'on-site' solution would ensure that any amenity impacts arising from 'off-site' haulage were avoided. This represents a potentially sustainable solution, subject to nature conservation interests being adequately safeguarded.</p> <p>A contracting firm and project manager have been employed and size reduction tests on the concrete beams have been completed.</p>	<p>The scheme to remove the large stockpile of lintels and to incorporate the material into the land has now been received. Final details are being agreed before the works commence. I am trying to ensure that either restoration has either begun before the Committee Meeting or a definite start date is available. Every attempt is being made to meet the window of opportunity this year I shall update Members further at the Meeting.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
7	DC3/SW/2013 Thirwell Farm, Drove Lane, Hernhill (Member: Andrew Bowles)	<p>Unauthorised importation of land-raising materials to the site, causing damage to the land and to its landscape setting.</p> <p>The site has operated in tandem with Larkey Wood, Chartham (see item 1 of this Schedule).</p>	<p>Swale BC (SBC) sanctioned the initial works as agricultural permitted development and still holds overall planning enforcement responsibility for the site. To their credit, they have a confirmed Enforcement Notice to use against any mobile residential use.</p> <p>The Environment Agency has a separate enforcement brief, liaising with both County / Borough Planning Authorities.</p>	<p>Apart from repossession proceedings at the related Larkey Wood site, the former operator has also been declared bankrupt and has just been released on licence from prison on firearm offences.</p> <p>The Official Receiver has previously identified the Thirwell Farm site as a potential asset within the landowner's estate. I am seeking confirmation on whether this might still be the case? This could offer a route to restoration and include reinstatement of the public right of way which crosses the site.</p>	<p>Restoration at private cost is still the objective.</p> <p>In the meanwhile, Members' support is still sought, as a contingency for the taking of enforcement action (should that be required), to include the serving of an Enforcement Notice; under-written as required, by a County / High Court Injunction(s). I shall keep Members informed.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
8	<p>Tunbridge Wells</p> <p>Top Bungalow, Frieszley Lane, Cranbrook.</p> <p>(Member: Seán Holden)</p>	Importation of builders' demolition spoil and alleged burying and burning on site, with associated heavy machinery noise.	To co-ordinate with the established efforts of Tunbridge Wells BC's (TWBC) Planning Enforcement and Environmental Health teams and the Environment Agency.	<p>The case has been investigated by linked authorities.</p> <p>There is a mix of planning uses on site which leaves the case with the Borough Council.</p> <p>KCC does not hold a direct planning remit.</p>	<p>As complaints from local residents have continued I have decided to meet on site again with the various regulatory parties to help co-ordinate a plan of action.</p> <p>I have suggested to TWBC the service of a S215 Site Clearance Notice, which is not available to the County Council and should offer the required controls.</p>

Schedule 2: Alleged breaches on Permitted Minerals & Waste Sites

Appendix 2

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	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	<p style="text-align: center;">Dover</p> <p>Ovendens, Thornton Lane, Eastry (Member: Leyland Ridings MBE & Steve Manion as complainant)</p>	Unregulated waste activities, burning and cement lorry cleansing, with alleged discharge of slurry into the drainage system	<p>To monitor and if necessary enforce the conditions attached to this planning permission.</p> <p>Also, to bring to the attention of the Environment Agency for investigation and potential action under their powers.</p>	The case is under investigation by both authorities.	I request Member support for the service of Breach of Condition Notice(s) as a contingency measure if required, as part of any co-ordinated action with the EA.
2	<p style="text-align: center;">Sevenoaks</p> <p>Ideal Waste Paper, Teardrop Centre, London Rd, Farningham (Member: Roger Gough)</p>	Unauthorised storage of waste materials in the car park and related operations, contrary to planning conditions.	To monitor and enforce the conditions attached to this planning permission.	The Environment Agency (EA) has already required the external storage to be removed by 30.11.14, using controls under the Waste Management Permit.	There will be co-ordinated action with the EA. I should however request Member support for the service of Breach of Condition Notice(s) as required.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
3	<p style="text-align: center;">Shepway</p> <p>Cube Metals Ltd, Highfield Industrial Estate, Bradley Rd, Folkestone</p> <p>(Member: Bob Neaves)</p>	Operating outside of permitted hours	<p>To monitor and enforce the conditions attached to this planning permission.</p> <p>Also, to bring to the attention of the Environment Agency (EA) for investigation and potential action under their powers.</p>	The case is under investigation by both authorities.	I request Member support for the service of Breach of Condition Notice(s) as a contingency measure if required, as part of any co-ordinated action with the EA.
4	<p style="text-align: center;">Swale</p> <p>DC3/SW/11/COMP/ Milton Creek Crown Quay Lane Sittingbourne</p> <p>(Members: Roger Truelove & Lee Burgess)</p>	Over stacking and stock-piling of site materials causing collapse to the banks of the creek, resulting in blocked water flow within the creek and obstruction to navigation. This partly involves an alleged trespass onto Medway Ports Authority land.	To see whether enforcement of the district planning permission for production of 'growing media' (i.e. soil-based compost) at the site, warrants the further intervention of the County Council?	<p>A previous multi-agency approach (i.e. KCC, Swale BC, the Environment Agency and Medway Ports Authority) achieved a level of compliance. This was consolidated within a retrospective planning permission.</p> <p>The site is now required as part of a local regeneration scheme. The stockpile of materials will therefore need to be removed.</p>	<p>The Environment Agency has required treatment of the waste stockpile before removal off site. A planning application for these works has been submitted to the County Council and is being processed.</p> <p>I shall keep Members informed on this case.</p>

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
5	<p>Tonbridge & Malling</p> <p>Sheerness Recycling Sanderson Way, Tonbridge</p> <p>(Members: Richard Long TD & Christopher Smith)</p>	<p>Local complaints of dust pollution; mud on the road and excessive stacking heights, in apparent breach of the operative planning permission for recycled aggregate & topsoil production.</p>	<p>To monitor and ensure that any corrective measures that may be needed are put into place.</p>	<p>Site operational practices and safeguards have been reviewed, with a focussed effort by the operator in reducing down any surplus material on site.</p>	<p>Since my first intervention, stockpile heights have again strayed upwards. However, I am applying monitoring pressure to ensure that the site returns to compliance. I shall continue with this until the situation is stabilised.</p>

Schedule 3: Alleged breaches on Permitted County Council Developments

Appendix 3

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	<p>Canterbury</p> <p>Greenbridge Park Gypsy & Travellers Site, Vauxhall Road, Canterbury</p> <p>(Member: Graham Gibbens)</p>	<p>Flytipping and burning on the adjoining river bank but still within County Council ownership.</p> <p>The flytipping has been particularly galling since the site is only moments from KCC’s Civic Amenity site almost opposite.</p>	<p>To assert the Internal Enforcement Protocol, requiring County Council land and activities to be managed and controlled to the same standard and requirements as in the private sector.</p> <p>Robust and secure landscaping should help deter further tipping and allow the visual amenity of this section of the site’s perimeter to be recovered.</p>	<p>The section of fencing removed to gain vehicular access to the river bank has been reinstated and secured with specially designed bolts. This has physically constrained any further flytipping, by vehicle at least.</p> <p>I have received no further complaints and photographs by the Gypsy & Travellers Unit confirm that the problem is under control.</p>	<p>Advice has been taken on a suitable landscaping scheme, which presents a sustainable and long-term solution to the problem. A number of options have been explored (e.g. fencing, a concrete structure, earth bunding and related planting). Each of these is in turn being discussed with the Environment Agency (given their remit along the riverside, including flood protection). I shall inform Members on the solution adopted and the measure of success.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
2	<p>Sevenoaks</p> <p>Barnfield Park, Gypsy & Travellers Site, Ash Road, Sevenoaks.</p> <p>(Members: David Brazier & Bryan Sweetland)</p>	<p>Unauthorised importation and deposit of commercial and demolition waste within the rear site paddock.</p> <p>Also, waste depositing within the passing bays and parallel drainage ditches to the site access road.</p> <p>With both bodies of waste being set alight, causing smoke and acrid fumes to the residents and the surrounding area.</p>	<p>To physically stop and deter any further depositing, focussing County Council resources for the moment on alleged strategic waste breaches within the paddock area.</p>	<p>A physical barrier of concrete ‘Milton Pipe’ rings has been set along the most vulnerable paddock field boundary.</p> <p>The inside of the concrete rings have been filled with hardcore from the field deposits, both reinforcing the strength of the barrier and making an early start in the clearance and restoration of the paddock.</p>	<p>Extensive and direct action has brought the major element of waste depositing to a halt. I have received no further complaints of tipping in the main Paddock area. A plan for removing the waste in a staged way is now required. The site access issue will need separate attention.</p> <p>A staged site recovery plan for the Paddock and site access protection measures are now required in order to begin reversing the damage caused to the site by uncontrolled waste depositing.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
3	Polhill Caravan Site, London Rd, Dunton Green, Sevenoaks (Member: Richard Parry)	Unauthorised depositing of waste materials within the curtilage of the KCC regulated travellers' site.	To assist officers from the Gypsy & Traveller Unit in the prevention of further unauthorised tipping of waste materials. .	A physical barrier of concrete 'Milton Pipe' rings is to be laid to physically prevent any further trespass on the grounds of the site. This will be reinforced by a 2 metre high fence, which again should help to protect the vulnerable land near to the site entrance.	I regard these works as permitted development under Part 12 (Development by Local Authorities) Class A (a) of the Town & Country General Permitted Development) Order 1995 (as amended) and may therefore proceed without the need for planning permission. I shall keep Members informed on the case.

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By: Head of Democratic Services
To: Regulation Committee – 2 September 2014
Subject: Home to School Transport Appeals update
Classification: Unrestricted

Summary: To provide Members with an overview on Home to School Transport appeal statistics for the period between 1 January 2014 to 20 August 2014 and a brief comparison with transport appeals statistics from 2010 to 2013.

1. Home to School Transport Appeal Statistics 2014

(1.1) For the period between 1 January 2014 to 20 August 2014 a total of 56 individual appeals were considered by Member Transport Appeal Panels of this Committee. 54% were upheld at least in part (e.g. time limited assistance). A breakdown of these appeals on a month by month basis is set out in Appendix 1 along with a comparison with appeals held in 2010 to 2013.

(1.2) There are a further 45 appeals that are still waiting to be heard. These have been scheduled for September 2014.

2. Transport Appeal Statistics – 2013

(2.1) For the period between 1 January 2013 to 31 December 2013 a total of 109 appeals were considered by Transport Appeal Panels. 30% were upheld at least in part (e.g. time-limited assistance).

(2.2) It is interesting to note that in 2013 60% of the total number appeals were heard between August – 31 December 2013.

3. Recommendation Members are asked to note this report.

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**TABLE 1
HOME TO SCHOOL
TRANSPORT APPEALS -1 JANUARY – 20 August 2014**

Month	Upheld	Not Upheld	Total	% Upheld
January	8	2	10	80%
February	3	2	5	60%
March	3	4	7	43%
April	2	4	6	33%
May	6	1	7	86%
June	3	4	7	43%
July	4	3	7	57%
August (on 20 th)	1	6	7	14%
TOTALS	30	26	56	54%

**TABLE 2
HOME TO SCHOOL TRANSPORT APPEALS - 2010-2013**

Year	Upheld	Not Upheld	Total	% Upheld
2010	38	46	84	45%
2011	23	43	66	35%
2012	26	80	106	24%
2013	33	76	109	30%

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